



Broadcasting Decision CRTC 2009-161

Route reference:

Broadcasting Public Notice 2008-94

Ottawa, 27 March 2009

Sun TV Company

Toronto, Ontario

Application 2008-0712-5, received 16 May 2008

Suspension of the conditions of licence set out in Broadcasting Decision 2004-503 relating to the licensee's obligations to adhere to a Statement of Principles and Practices and to create a Monitoring Committee

1. The Commission **approves** the application by Quebecor Media Inc., on behalf of Sun TV Company, to suspend the conditions of licence set out in Broadcasting Decision 2004-503 relating to the licensee's obligations to adhere to the Statement of Principles and Practices appended to that decision and to establish a Monitoring Committee as indicated in the appendix to the Statement of Principles and Practices. These conditions of licence will be suspended as long as the licensee is a member in good standing of the Canadian Broadcast Standards Council (CBSC). The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Decision 2004-503, the Commission required the licensee, by condition of licence, to adhere to a Statement of Principles and Practices which is set out in the appendix to Broadcasting Decision 2004-503 and to establish a Monitoring Committee as indicated in the appendix to the Statement of Principles and Practices. Adherence to the Statement of Principles and Practices was meant to ensure editorial independence between the *Toronto Sun* and Sun TV.
3. In that decision, the Commission indicated that it would be prepared to consider suspending application of the conditions of licence "if the licensee is able to enter into an agreement with the Canadian Broadcast Standards Council (CBSC) resulting in Toronto One being subject to, and complying with, an industry-wide code approved by the Commission, and provided Toronto One is a member in good standing of the CBSC."
4. On 15 January 2008, in Broadcasting Public Notice 2008-5, the Commission set out its new regulatory policy regarding the Journalistic Independence Code "subject to some clarifications in regard to the selection of its adjudicators and the presence of journalists on its panels adjudicating complaints related to the Journalistic Independence Code." On 20 October 2008, in Broadcasting Public Notice 2008-95, the Commission approved the final version of the Journalistic Independence Code.

5. Given that the Commission has now approved a code of conduct concerning cross-media ownership, applicable to the industry as a whole, and given that Sun TV Company wishes to be subject to the Journalistic Independence Code, the Commission suspends the following conditions of licence:

The licensee must adhere to the Statement of Principles and Practices set out in Broadcasting Decision 2004-503.

The licensee must establish a Monitoring Committee as indicated in the appendix to the Statement of Principles and Practices set out in the appendix to Broadcasting Decision 2004-503.

and replaces them with the following **conditions of licence**:

The licensee must adhere to the Statement of Principles and Practices set out in *Transfer of effective control of Toronto One to TVA Group Inc. and Sun Media Corporation*, Broadcasting Decision CRTC 2004-503, 19 November 2004. However, the application of the foregoing condition of licence will be suspended as long as the licensee is a member in good standing of the Canadian Broadcast Standards Council.

The licensee must establish a Monitoring Committee as indicated in the appendix to the Statement of Principles and Practices set out in the appendix to *Transfer of effective control of Toronto One to TVA Group Inc. and Sun Media Corporation*, Broadcasting Decision CRTC 2004-503, 19 November 2004. However, the application of the foregoing condition of licence will be suspended as long as the licensee is a member in good standing of the Canadian Broadcast Standards Council.

6. The Commission notes that Sun TV Company has confirmed that it is a member in good standing of the CBSC. The Commission reminds Sun TV Company that it must adhere to all of the ethics codes administered by the CBSC.
7. The Commission further notes that the suspension of conditions of licence does not result in an elimination of a broadcasting licensee's responsibilities. Self-regulation of the broadcasting industry corresponds to a delegation of power on the part of the Commission to the CBSC. However, this delegation of power is not total. The Commission legally maintains its prerogative to intervene in the case of a complaint or in the case of non-conformity on the part of a broadcasting licensee.

Secretary General

Related documents

- *Journalistic Independence Code - Final approval - Selection of adjudicators and composition and operation of the Panel* – Regulatory policy, Broadcasting Public Notice CRTC 2008-95, 20 October 2008
- *Journalistic Independence Code* – Regulatory policy, Broadcasting Public Notice CRTC 2008-5, 15 January 2008
- *Transfer of effective control of Toronto One to TVA Group Inc. and Sun Media Corporation*, Broadcasting Decision CRTC 2004-503, 19 November 2004

This decision is to be appended to the licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.