



## Broadcasting Decision CRTC 2009-163

Route reference: 2009-8

Ottawa, 27 March 2009

**Canwest Television GP Inc. (the general partner) and Canwest Media Inc. (the limited partner), carrying on business as Canwest Television Limited Partnership**  
Across Canada

*Application 2008-1642-3, received 17 November 2008*

**Suspension of the condition of licence set out in Decision 2001-458 relating to the licensee's obligations to adhere to a Statement of Principles and Practices and to create an independent Monitoring Committee**

*The Commission **approves** the application by Canwest Media Inc., on behalf of itself (the limited partner) and Canwest Television GP Inc. (the general partner), carrying on business as Canwest Television Limited Partnership, to suspend condition of licence number 3 set out in Decision 2001-458 in order to be subject to the new Journalistic Independence Code approved by the Commission and established by the Canadian Broadcast Standards Council (CBSC). This condition of licence will be suspended as long as the licensee is a member in good standing of the CBSC.*

### Introduction

1. The Commission received an application by Canwest Media Inc., on behalf of itself (the limited partner) and Canwest Television GP Inc. (the general partner), carrying on business as Canwest Television Limited Partnership (Canwest Television LP), to suspend condition of licence number 3 set out in Decision 2001-458 in order to be subject to the new Journalistic Independence Code established by the Canadian Broadcast Standards Council (CBSC).

### Background

2. In Decision 2001-458, the Commission imposed a condition of licence requiring Global<sup>1</sup> to adhere to the provisions of the Statement of Principles and Practices as set out in Appendix 1 to that decision, including the establishment of an independent Monitoring Committee as set out in Appendix "A" to the Statement of Principles and Practices. In that decision, the Commission noted the following:

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<sup>1</sup> On 1 September 2005, Global Television Network Inc., Global Communications Limited, CanWest Media Inc. and certain other CanWest companies amalgamated under the name CanWest MediaWorks Inc. On 1 January 2008, CanWest MediaWorks Inc. changed its name to Canwest Media Inc. Finally, in Broadcasting Decision 2008-314, the Commission approved a corporate reorganization within the Canwest group of companies, involving, among other things, the transfer of the television programming undertakings to Canwest Television LP.

The Commission will be prepared, however, to consider suspending application of the conditions of licence respecting cross-media issues if the licensee is able to enter into an agreement with the CBSC resulting in an industry-wide code approved by the Commission and while Global is a member in good standing of the CBSC. The CBSC code of conduct must include an appropriate monitoring mechanism to be administered by the CBSC. Any application by the licensee to suspend these conditions of licence should include confirmation that the licensee supports the CBSC code of conduct, including the monitoring mechanism, and that the licensee is a member in good standing of the CBSC.

3. 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.
4. 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 Canwest Television LP wishes to be subject to the Journalistic Independence Code, the licensee requested the suspension of the following condition of licence:

3. The licensee shall adhere to the provisions of the Statement of Principles and Practices, as set out in Appendix 1 to Decision CRTC 2001-458, including the establishment of an independent Monitoring Committee as set out in Appendix “A” to the Statement of Principles and Practices.

### **Commission’s analysis and determinations**

5. The Commission received interventions offering general comments on this application, as well as interventions in opposition. The Commission notes that the concerns raised by the interveners correspond to the principal concerns brought forth during the public process leading to the approval of the Journalistic Independence Code, namely: the absence of a requirement relating to the separation of news gathering structures; the administration of the Journalistic Independence Code by the CBSC; and the lack of power on the part of the Commission to impose sanctions and penalties on licensees that contravene the principles set out in that code. The Commission notes that it has already expressed its support for the Journalistic Independence Code and that the new regulatory policy relating to that code applies to the industry as a whole.
6. The Commission notes that Canwest Television LP has confirmed that it is a member in good standing of the CBSC. The Commission reminds Canwest Television LP 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.

8. In light of all of the above, the Commission **approves** the application by Canwest Media Inc., on behalf of itself (the limited partner) and Canwest Television GP Inc. (the general partner), carrying on business as Canwest Television Limited Partnership, to suspend the condition of licence relating to the licensee's obligations to adhere to the Statement of Principles and Practices and to create an independent Monitoring Committee, as set out in Decision 2001-458, in order to be subject to the new Journalistic Independence Code approved by the Commission and established by the CBSC. This condition of licence will be suspended as long as the licensee is a member in good standing of the CBSC. Accordingly, the Commission replaces condition of licence number 3 set out in Decision 2001-458 by the following **condition of licence**:

3. The licensee shall adhere to the provisions of the Statement of Principles and Practices, as set out in Appendix 1 to *Licence renewals for the television stations controlled by Global*, Decision CRTC 2001-458, 2 August 2001, including the establishment of an independent Monitoring Committee as set out in Appendix "A" to the Statement of Principles and Practices. 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.

Secretary General

#### **Related documents**

- *Corporate reorganization – Acquisition of assets*, Broadcasting Decision CRTC 2008-314, 18 November 2008, as amended by *Correction*, Broadcasting Decision CRTC 2008-314-1, 22 December 2008
- *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
- *Licence renewals for the television stations controlled by Global*, Decision CRTC 2001-458, 2 August 2001

*This decision is to be appended to each 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>.*