



Broadcasting Notice of Consultation CRTC 2011-14

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Ottawa, 10 January 2011

Call for comments on amendments to the *Radio Regulations, 1986, Television Broadcasting Regulations, 1987, Pay Television Regulations, 1990, Specialty Services Regulations, 1990, and the Broadcasting Information Regulations, 1993*

The Commission calls for comments on amendments to the Radio Regulations, 1986, Television Broadcasting Regulations, 1987, Pay Television Regulations, 1990, Specialty Services Regulations, 1990, and the Broadcasting Information Regulations, 1993. The amended Regulations will be effective 1 September 2011. The deadline for the receipt of comments is 9 February 2011.

Introduction

1. The Commission proposes to amend the *Radio Regulations, 1986, Television Broadcasting Regulations, 1987, Pay Television Regulations, 1990, Specialty Services Regulations, 1990, and the Broadcasting Information Regulations, 1993*. The proposed amendments are set out in the appendix to this document. The amended Regulations will be effective 1 September 2011.
2. The amendments address concerns raised by Parliament's Standing Joint Committee for the Scrutiny of Regulations related to the following provisions:
 - the prohibition on broadcasting false or misleading news;
 - the prohibition on broadcasting programming that contains obscene or profane language; and
 - the submission of information by licensees to the Commission.
3. The amendments that the Commission has proposed to these provisions are very similar to amendments to the *Broadcasting Distribution Regulations* proposed in Broadcasting Notice of Consultation 2010-931.
4. The Commission also proposes to amend section 8 of the *Pay Television Regulations, 1990* and section 12 of the *Specialty Services Regulations, 1990* to clarify that Category A services must transmit their signals to a broadcasting distribution undertaking's head end or uplink centre. This reflects the Commission's determination set out in Broadcasting Public Notice 2008-100, as clarified in Broadcasting Information Bulletin 2010-718.

Call for comments

5. The Commission invites comments on the wording of the proposed amendments, which are attached to this Notice of Consultation. The Commission will accept comments that it receives on or before **9 February 2011**. The Commission cannot be held responsible for postal delays and will not notify a party whose comment is received after the deadline date. The comment will not be considered by the Commission and will not be part of the public file.
6. The Commission will not formally acknowledge comments. It will, however, fully consider all comments, and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

Procedure for filing comments

7. Interested parties can file their comments to the Secretary General of the Commission in **only one** of the following formats:

by using the
[[Broadcasting interventions/comments form](#)]

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

8. Submissions longer than five pages should include a summary.
9. Each paragraph of the submission should be numbered. In addition, where the comment is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Important notice

10. All information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, email or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

11. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
12. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
13. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.
14. The Commission encourages interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their comments.

Examination of documents

15. A list of all comments will also be available on the Commission's website. An electronic version of all comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's website.
16. The public may examine public comments and related documents at the following Commission offices during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière

Central Building

1 Promenade du Portage, Room 206

Gatineau, Quebec

J8X 4B1

Tel.: 819-997-2429

Fax: 819-994-0218

Regional offices

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia
B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

205 Viger Avenue West
Suite 504
Montréal, Quebec
H2Z 1G2
Tel.: 514-283-6607

55 St. Clair Avenue East
Suite 624
Toronto, Ontario
M4T 1M2
Tel.: 416-952-9096

Kensington Building
275 Portage Avenue
Suite 1810
Winnipeg, Manitoba
R3B 2B3
Tel.: 204-983-6306
Fax: 204-983-6317

2220 – 12th Avenue
Suite 620
Regina, Saskatchewan
S4P 0M8
Tel.: 306-780-3422

10405 Jasper Avenue
Suite 520
Edmonton, Alberta
T5J 3N4
Tel.: 780-495-3224

858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- *Call for comments on amendments to the Broadcasting Distribution Regulations, Broadcasting Notice of Consultation CRTC 2010-931, 10 December 2010*
- *Clarifications regarding the interpretation of section 8 of the Pay Television Regulations, 1990 and section 12 of the Specialty Services Regulations, 1990, as they relate to the transmission of Category A services from their production facilities to broadcasting distribution undertakings' head ends and uplink centres, Broadcasting Information Bulletin, CRTC 2010-718, 28 September 2010*
- *Regulatory framework for broadcasting distribution undertakings and discretionary programming services - Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008*

Appendix to Broadcasting Notice of Consultation CRTC 2011-14

REGULATIONS AMENDING CERTAIN REGULATIONS MADE UNDER THE BROADCASTING ACT

RADIO REGULATIONS, 1986

1. Paragraph 3(d) of the *Radio Regulations, 1986*¹ is replaced by the following:

(d) any news that the licensee knows is false or misleading and that endangers or is likely to endanger the lives, health or safety of the public; or

2. The Regulations are amended by adding the following after section 3.1:

3.2 For the purposes of paragraph (3)(c), language is obscene if a dominant characteristic of the language is the undue exploitation of sex, or if a dominant characteristic is sexual, in combination with any one or more of the following subjects, namely, crime, horror, cruelty and violence.

3. Subsection 9(4) of the Regulations is replaced by the following:

(4) At the request of the Commission, a licensee shall respond to

(a) any complaint or request for resolution of a dispute filed by any person or any request for information regarding programming originated or distributed by the licensee, its technical operations, subscribership, financial affairs or ownership; or

(b) any request for information respecting the licensee's adherence to its conditions of licence, the Act, these Regulations, industry standards, practices or codes or any other self-regulatory mechanism of the industry.

TELEVISION BROADCASTING REGULATIONS, 1987

4. (1) Paragraph 5(1)(d) of the *Television Broadcasting Regulations, 1987*² is replaced by the following:

(d) any news that the licensee knows is false or misleading and that endangers or is likely to endanger the lives, health or safety of the public.

(2) Section 5 of the Regulations is amended by adding the following after subsection (1.1):

(2) For the purposes of paragraph (1)(c), material is obscene if a dominant characteristic of the material is the undue exploitation of sex, or if a dominant characteristic is sexual, in combination with any one or more of the following subjects, namely, crime, horror, cruelty and violence.

5. Subsection 12(3) of the Regulations is replaced by the following:

(3) At the request of the Commission, a licensee shall respond to

(a) any complaint or request for resolution of a dispute filed by any person or any request for information regarding the programming originated or distributed by the licensee, its technical operations, subscribership, financial affairs or ownership; or

(b) any request for information respecting the licensee's adherence to its conditions of licence, the Act, these Regulations, industry standards, practices or codes or any other self-regulatory mechanism of the industry.

PAY TELEVISION REGULATIONS, 1990

6. Paragraph 3(2)(c) of the *Pay Television Regulations, 1990*³ is replaced by the following:

(c) that contains news that the licensee knows is false or misleading and that endangers or is likely to endanger the lives, health or safety of the public.

7. Subsection 5(2) of the Regulations is replaced by the following:

(2) At the request of the Commission, a licensee shall respond to

(a) any complaint or request for resolution of a dispute filed by any person or any request for information regarding the programming originated or distributed by the licensee, its technical operations, subscribership, financial affairs or ownership; or

(b) any request for information respecting the licensee's adherence to its conditions of licence, the Act, these Regulations, industry standards, practices or codes or any other self-regulatory mechanism of the industry.

8. The portion of section 7 of the Regulations before paragraph (b) is replaced by the following:

7. During any dispute between a licensee and a person licensed to carry on a distribution undertaking or the operator of an exempt distribution undertaking concerning the carriage or terms of carriage of programming originated by the licensee or concerning any right or obligation under the Act, the licensee shall continue to provide the distribution undertaking with its programming services, on the same terms and conditions as it did before the dispute, if the services are required to be distributed:

(a) under subparagraph 18(2)(a)(i) or (b)(i) or paragraph 18(2)(c) of the *Broadcasting Distribution Regulations*;

9. Paragraph 8(a) of the Regulations is replaced by the following:

(a) ensure the transmission of the programming service from its production facilities to each broadcasting distribution undertaking's head end, or to a satellite uplink centre, that is located within the area for which the licensee is licensed; and

SPECIALTY SERVICES REGULATIONS, 1990

10. Paragraph (3)(d) of the *Specialty Services Regulations, 1990*⁴ is replaced by the following:

(d) any news that the licensee knows is false or misleading and that endangers or is likely to endanger the lives, health or safety of the public.

11. The Regulations are amended by adding the following after section 3.1:

3.2 For the purposes of paragraph (3)(c), material is obscene if a dominant characteristic of the material is the undue exploitation of sex, or if a dominant characteristic is sexual, in combination with any one or more of the following subjects, namely, crime, horror, cruelty and violence.

12. Subsection 8(2) of the Regulations is replaced by the following:

(2) At the request of the Commission, a licensee shall respond to

(a) any complaint or request for resolution of a dispute filed by any person or any request for information regarding the programming originated or distributed by the licensee, its technical operations, subscribership, financial affairs or ownership; or

(b) any request for information respecting the licensee's adherence to its conditions of licence, the Act, these Regulations, industry standards, practices or codes or any other self-regulatory mechanism of the industry.

13. The portion of section 11 of the Regulations before paragraph (b) is replaced by the following:

11. During any dispute between a licensee and a person licensed to carry on a distribution undertaking or the operator of an exempt distribution undertaking concerning the carriage or terms of carriage of programming originated by the licensee or concerning any right or obligation under the Act, the licensee shall continue to provide the distribution undertaking with its programming services, on the same terms and conditions as it did before the dispute, if the services are required to be distributed:

(a) under subparagraph 18(2)(a)(i) or (b)(i) or paragraph 18(2)(c) of the *Broadcasting Distribution Regulations*;

14. Paragraph 12(a) of the Regulations is replaced by the following:

(a) ensure the transmission of the programming service from its production facilities to each broadcasting distribution undertaking's head end, or to a satellite uplink centre, that is located within the area for which the licensee is licensed; and

BROADCASTING INFORMATION REGULATIONS, 1993

15. Subsections 2(2) and (3) of the *Broadcasting Information Regulations, 1993*⁵ are replaced by the following:

(2) At the request of the Commission, a licensee shall respond to

(a) any complaint or request for resolution of a dispute filed by any person or any request for information regarding the programming originated or distributed by the licensee, its technical operations, subscribership, financial affairs or ownership; or

(b) any request for information respecting the licensee's adherence to its conditions of licence, the Act, these Regulations, industry standards, practices or codes or any other self-regulatory mechanism of the industry.

(3) In this section, "subscriber" means

(a) a household of one or more persons, whether occupying a single-unit dwelling or a unit in a multiple-unit dwelling, to which service is provided directly or indirectly by the holder of a licence, as defined in section 2 of the *Broadcasting Act*; or

(b) the owner or operator of a hotel, hospital, nursing home or other commercial or institutional premises to which service is provided by the holder of a licence, as defined in section 2 of the *Broadcasting Act*.

COMING INTO FORCE

16. These Regulations come into force on September 1, 2011.

¹ SOR/86-982

² SOR/87-49

³ SOR/90-105

⁴ SOR/90-106

⁵ SOR/93-420