



Broadcasting Regulatory Policy CRTC 2011-401

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Route reference: 2011-52

Ottawa, 30 June 2011

Amendments to certain Regulations made under the *Broadcasting Act* to add a new program category “Reality television”

The Commission announces that it has amended the list of program categories set out in Schedule I of the Television Broadcasting Regulations, 1987, the Pay Television Regulations, 1990 and the Specialty Services Regulations, 1990 to add a new category “Reality television.” The amendments will come into force on 1 September 2011.

Introduction

1. In Broadcasting Notice of Consultation 2011-52 (the Notice of Consultation), the Commission called for comments on the wording of proposed amendments to Schedule I of the *Television Broadcasting Regulations, 1987*, the *Pay Television Regulations, 1990* and the *Specialty Services Regulations, 1990* (the Regulations).
2. The Regulations require broadcasters to enter on their logs the program category associated with each program that they broadcast. The amendments to the Regulations would add the new category 11(b) Reality television to the Schedule of program categories. The Commission created this new category in Broadcasting Regulatory Policy 2010-808 (the Policy). The draft Regulations set out in the Notice of Consultation provided that the amendments would come into force on the date of their registration.
3. In the Policy, the Commission set out revised definitions for certain program categories to ensure that these definitions still accurately capture all of the types of programs enjoyed by Canadians. The Commission noted that reality television programming can have documentary-like elements and that this type of programming could therefore be confused with what the Commission currently defines as category 2(b) Long-form documentary. It also noted that reality television does not need the same regulatory support as long-form documentaries. Consequently, including reality television in the same category as long-form documentaries would be inconsistent with the objective of supporting programs of national interest.
4. Accordingly, the Commission created a separate program category for reality television to ensure that only true long-form documentaries qualify as programs of national interest. Therefore, the Commission renamed what was currently defined as category 11 as category 11 (a) and created the new category 11(b) Reality television.

Comments

5. The Commission received six comments in response to the Notice of Consultation. The complete record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
6. The Documentary Organization of Canada (DOC) did not comment on the wording of the draft regulations but submitted that the definition of reality television in the Policy exacerbated the problem it was meant to solve. Accordingly, the DOC proposed an alternative definition, which had also been proposed in the proceeding leading to the Policy.
7. A group of five individuals submitted that the proposed title of category 11(b) Reality television should be changed to "Entertainment Reality Television" to reflect that the purpose of this type of programming is to entertain and amuse the audience. However, they stated that they had no concerns with the definition of "reality television" set out in the Policy and considered this definition adequately and accurately captured the type of programming covered by the new category.
8. Shaw Media Inc., supported by CTVglobemedia Inc. (now Bell Media Inc.), Corus Entertainment Inc. and Quebecor Media Inc., submitted that the amendments should come into effect on 1 September 2011, not on the day they are registered, as set out in the draft Regulations. They noted that the spending obligation on programs of national interest and other policy changes relating to the renewal of large ownership group services all come into effect for the licence terms to commence on 1 September 2011. They submitted that there was no policy reason to accelerate the implementation date for the reality television category. They also submitted that broadcasters required a specific implementation date provided in advance in order to adjust their traffic/logging systems and internal processes. In this regard, they noted that their systems could not accommodate instantaneous changes and that such changes could not be made in a single day.

Commission's analysis and determinations

9. With respect to the comments relating to the definition of reality television, the Commission notes that the Notice of Consultation called for comments only on the wording of the proposed amendments, not on the Policy itself. The Commission considers that adequate opportunity was given to provide input on this matter in the public proceeding leading to the Policy.
10. The Commission does not consider that it is necessary to change the title of the category as requested by the group of individuals given that the definition in the Policy clearly sets out what constitutes reality television.
11. With respect to the comments of broadcasters regarding the coming into force of the regulations, the Commission considers that it is appropriate to set out a predetermined date for their implementation and that this date should be 1 September 2011. This date is an important implementation date for many

obligations and policy changes affecting broadcasters, including the new spending requirement on programs of national interest. The Commission is also of the view that this approach will provide greater certainty for broadcasters and enable them to adjust their internal systems accordingly.

Conclusion

12. In light of the above, the Commission adopts the proposed amendments to Schedule I of the *Television Broadcasting Regulations, 1987*, the *Pay Television Regulations, 1990*, and the *Specialty Services Regulations, 1990*, as published in the Notice of Consultation, with the exception of the implementation date. The Commission adopts 1 September 2011 as the date of coming into force of the amendments. The amended Regulations were registered on 30 May 2011 and were published in the *Canada Gazette*, Part II, Vol. 145, No. 13 on 22 June 2011 (SOR/2011-117). A copy of the amended Regulations is attached to this regulatory policy.

Secretary General

Related documents

- *Call for comments on proposed amendments to certain Regulations made under the Broadcasting Act to add a new program category*, Broadcasting Notice of Consultation CRTC 2011-52, 27 January 2011
- *Definitions for television program categories*, Broadcasting Regulatory Policy 2010-808, 1 November 2010

Appendix to Broadcasting Regulatory Policy CRTC 2011-401

Regulations Amending Certain Regulations Made under the Broadcasting Act

TELEVISION BROADCASTING REGULATIONS, 1987

1. Subitem 6 (11) of Schedule I to the *Television Broadcasting Regulations, 1987*¹ is replaced by the following:

Item	Description	Key Figure							
		1 st	2 nd	3 rd	4 th	5 th -6 th	7 th & 8 th		
		Alphanumeric Characters							
6.	(11)	(a)	General entertainment and human interest				1	1	A
		(b)	Reality television				1	1	B

PAY TELEVISION REGULATIONS, 1990

2. Subitem 6 (11) of Schedule I to the *Pay Television Regulations, 1990*² is replaced by the following:

Column I			Column II								
			Alphanumeric Characters								
Item	Program description		1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	
6.	(11)	(a)	General entertainment and human interest						1	1	A
		(b)	Reality television						1	1	B

SPECIALTY SERVICES REGULATIONS, 1990

3. Subitem 6 (11) of Schedule I to the *Specialty Services Regulations, 1990*³ is replaced by the following:

Column I			Column II								
			Alphanumeric Characters								
Item	Program description		1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	
6.	(11)	(a)	General entertainment and human interest						1	1	A
		(b)	Reality television						1	1	B

COMING INTO FORCE

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

¹ SOR/87-49

² SOR/90-105

³ SOR/90-106