



Broadcasting Information Bulletin CRTC 2014-608

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Ottawa, 21 November 2014

Update on the Commission's approach to non-compliance by radio stations

This information bulletin provides an update on the Commission's approach for dealing with non-compliance by radio stations with the requirements of the Broadcasting Act, the Radio Regulations, 1986 and their conditions of licence in the context of an application for licence renewal or amendment. It replaces Broadcasting Information Bulletin 2011-347.

The Commission reminds radio station licensees that they must comply at all times with the requirements set out in the Broadcasting Act, the Radio Regulations, 1986 and their conditions of licence.

Introduction

1. The Commission's assessment of a radio licensee's compliance is generally based on complaints received, monitoring of programming, ownership requirements, contributions to Canadian content development (CCD) and the filing of annual returns. The Commission reviews the compliance record of each station during a licence term when it considers the renewal of the station's licence, or, in some cases, when licence amendments are proposed.
2. The Commission had set out its approach to dealing with non-compliance in Broadcasting Information Bulletin 2011-347. In Broadcasting Regulatory Policy 2014-554 (Targeted radio policy review), the Commission stated that it would adopt additional measures related to non-compliance.
3. Accordingly, the Commission hereby updates the approach to radio non-compliance set out in Broadcasting Information Bulletin 2011-347 to reflect the new initiatives adopted in the Targeted radio policy review. The Commission's updated approach to radio non-compliance is set out below.

Approach to non-compliance

4. Licensees of radio stations must comply at all times with the requirements set out in the *Broadcasting Act* (the Act), the *Radio Regulations, 1986* (the Regulations) and their conditions of licence. When applying for licence renewal or amendments, it is the licensee's responsibility to demonstrate that it is in full compliance with its regulatory obligations.
5. Licensees will have the opportunity to comment in writing on the Commission's preliminary findings concerning instances of apparent non-compliance. When

considering applications for licence renewal or amendments, the Commission will question licensees on the circumstances related to the non-compliance and the action that they have taken to remedy the situation.

6. Following the licence renewal public proceeding, the Commission will impose measures according to the nature of the non-compliance. Each instance of non-compliance will be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission will also consider the circumstances, the arguments provided by the licensee, as well as the actions taken to rectify the situation.
7. In the case of licence renewals, the Commission may apply the following measures on a case-by-case basis depending on the nature of the non-compliance:
 - short-term licence renewal;
 - imposing conditions of licence;
 - requiring additional CCD contributions that are over and above those required by the Regulations or by existing conditions of licence;
 - removing the ability to make CCD contributions to discretionary initiatives such as talent contests;¹
 - requiring licensees to broadcast an announcement regarding their non-compliance, as set out in the appendix to this information bulletin;
 - imposing mandatory orders;
 - non-renewal of the licence;
 - suspension of the licence;
 - revocation the licence.
8. When considering applications for licence amendments, the Commission will take into account the criteria set out above, i.e., the quantity, recurrence and seriousness of the non-compliance, as well as the relationship between the application for amendment and any instance of non-compliance. For example, the Commission could deny an application for an amendment to programming requirements by a licensee that is in non-compliance with its required level of Canadian musical selections.

¹ In such cases the Commission may require that all CCD contributions for the station be made to funds such as FACTOR, MUSICACTION or the Community Radio Fund of Canada.

9. The need to call a licensee to a public hearing will also be determined based on the circumstances, the above-mentioned criteria and the licensee's response to instances of non-compliance. It should be noted that, at any time during a licence term, the Commission can call a licensee to a hearing following a complaint received during the licence term, or on its own motion in response to other regulatory issues. The Commission could then impose the above-mentioned measures on the licensee as it deems appropriate.
10. Annual returns, which are due on 30 November of each broadcast year, must be submitted in proper form and must include the necessary supporting documentation. Licensees can find further information concerning the filing of annual returns in Broadcasting Information Bulletin 2011-795.
11. The Commission will also publish annual lists of stations in compliance and in non-compliance.

Related documents

- *A targeted policy review for the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011

Secretary General

Appendix to Broadcasting Information Bulletin CRTC-608

Announcement to be broadcast on-air when required by the Commission

Radio frequencies are a limited public resource. Holding a broadcasting licence is a privilege, and broadcasters are required to abide by a number of regulations and conditions of licence in order to operate a radio station.

In Broadcasting Decision 201X-XX, the CRTC determined this station is in non-compliance with the *Radio Regulations, 1986* / its condition(s) of licence. The instance(s) of non-compliance occurred in 201X and is/are a recurring issue. (Station call letters) has put measures in place to ensure that the non-compliance in question does not reoccur.