



Submission of the
Canadian Association of Broadcasters
with respect to the

Co-development of an Indigenous Broadcasting Policy
Broadcasting Notice of Consultation CRTC 2024-67

22 July 2024

Overview

1. As the national voice of small, medium and large, Canadian privately-owned and controlled radio, television and discretionary broadcasters, both independent and vertically integrated, including services operating under 9.1(1)(h) distribution orders, the Canadian Association of Broadcasters (CAB) is pleased to provide its comments on the *Co-development of an Indigenous Broadcasting Policy*, Broadcasting Notice of Consultation CRTC [2024-67](#), 22 March 2024.
2. The CAB and its members fully support the underlying objectives of the Commission's proceeding, which is to engage with Indigenous peoples and:
ensure that all forms of broadcasting in Canada, whether online or through radio and television, meet the needs and interests of Indigenous peoples. This includes helping Indigenous audiences find and enjoy content, supporting broadcasters and content creators, and making sure Indigenous stories and voices are represented, easily found, and shared across the broadcasting system.
3. We recognize that the *Online Streaming Act* made important changes to the *Broadcasting Act* (the Act), identifying Indigenous broadcasters and Indigenous content as pillars of the Canadian broadcasting system. The Government's Policy Direction to the CRTC – [Order Issuing Directions to the CRTC \(Sustainable and Equitable Broadcasting Regulatory Framework\)](#) also emphasized the Commission's responsibility to ensure the meaningful participation of Indigenous peoples in the Canadian broadcasting system, including:
 - their ability to create and produce a wide range of programs;
 - access to those programs; and
 - their ownership and control of broadcasting undertakings.
4. At the same time, the Commission must be cognizant of the fundamental shifts that have occurred in the Canadian broadcasting system, and the very real competitive and economic challenges faced by private Canadian radio and television broadcasters. The Commission cannot layer new obligations on top of existing obligations and must instead adopt a more nuanced, balanced and forward-looking approach.
5. In *The Path Forward – Working towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content*,¹ the Commission described a new approach to regulation that is “flexible and focuses on clearly defined, measurable objectives without specifying precisely how those objectives must be achieved.” The Commission indicated that this outcomes-based approach and customized contribution framework would allow regulated undertakings greater control over how they would meet broadcasting policy objectives.

¹ Broadcasting Notice of Consultation CRTC [2023-138](#), 12 May 2023.

6. The CAB applauds the Commission's stated intent to shift towards an outcomes-based regulatory approach. We understand that under this approach, the Commission will identify certain specific regulatory objectives, and then allow broadcasting undertakings to determine how best to achieve these established outcomes within a flexible contribution framework. We believe this approach must also apply in the articulation and application of the Indigenous broadcasting policy.
7. More specifically, we do not believe it is appropriate to adopt a one-size-fits-all quota-based approach. A more nuanced regulatory framework, based on incentives and outcomes, requires that individual broadcasters (or ownership groups, as appropriate) be permitted to identify the ways in which they can best contribute to the objectives of better serving Indigenous audiences and supporting Indigenous creators.
8. As we have highlighted numerous times, private Canadian radio and television broadcasters are confronting existential structural challenges in the face of unprecedented and unrelenting competition from online broadcasters for content, audiences, subscribers, and advertising dollars. The operating environment has changed considerably over the last decade, and the pace of change is accelerating at breathtaking speed. Broadcasters are having to adjust to significant decreases in advertising revenue, subscription revenue is on the decline and audiences are increasingly fragmented as many foreign streaming services are introduced directly into the Canadian market. The net result is that, for private radio and television broadcasters, there is a growing imbalance between their ongoing viability and their ability to meet their cultural obligations as licensees.
9. The old regulatory bargain of cultural benefits in return for a licence no longer works. Broadcasters can only make meaningful and sustainable contributions to cultural policy goals if they have the flexibility to adapt and remain viable given the profound structural challenges to their businesses. In this environment, it is not appropriate to introduce any new obligations, including with respect to Indigenous content.
10. Instead, in developing a new Indigenous broadcasting policy, or when considering any new regulatory measures, the Commission must consider the following key principles:
 - Canadian broadcasters must be able to operate viable businesses that are able to adapt to the profound structural challenges facing their operations;
 - They need flexibility to be able to adjust quickly as audience preferences and the market shifts or with the introduction of new technologies, techniques or platforms; and
 - They must be subject to a lighter regulatory touch than has existed up until now, to permit them to contribute to the outcomes sought by the Commission in a way that is most appropriate given their particular circumstances.
11. Finally, and most importantly, the CAB believes that the Indigenous broadcasting policy must emphasize and prioritize the role of Indigenous broadcasters in supporting the needs and interests of Indigenous peoples and creators.

12. In our own consultations with key representatives of the Indigenous creative community, the message was loud and clear, Indigenous content should be made by Indigenous people. While non-Indigenous broadcasters can and should be partners and collaborators, they cannot speak for Indigenous peoples.
13. The CAB has elaborated on these points in its responses to some of the CRTC's questions in the following sections.

Answers to the CRTC's Questions

Identification

14. In the first part of its notice, the Commission has posed several self-identification questions. For clarity, the CAB confirms that, at this time, none of the members of its Board of Directors nor any of its staff identify as Indigenous. While APTN is a member of the association, and we consulted with them in the drafting of this submission, the bulk of our comments are written from the perspective of non-Indigenous broadcasters.

Section A – Questions for audience members

15. The CAB interprets this first set of questions as seeking to obtain the views of Indigenous audiences. We have, therefore, chosen not to respond to these questions directly as we cannot speak for Indigenous peoples. However, in considering how non-Indigenous broadcasting undertakings can better serve Indigenous audiences and creators, we urge the Commission to consider these important points:
 - The primary providers of Indigenous content, including content in Indigenous languages, should continue to be Indigenous-owned and operated broadcasting undertakings, like APTN and First Peoples' Radio Inc. In our conversations with APTN, it was clear that APTN expects to be the primary partner in the development and production of any Indigenous audiovisual content. They do not want to be in competition with non-Indigenous broadcasters for content, but rather to work in partnership with them.²
 - As the national public broadcaster, CBC/Radio Canada already has a range of obligations with respect to Indigenous content and has developed a number of important initiatives. They should continue to play a key role in the provision of Indigenous content and in providing support to Indigenous creators, in concert, and not in competition, with Indigenous broadcasting undertakings. Similarly, provincial educational (publicly funded) broadcasters should also play a role.
 - Different broadcasters can serve Indigenous audiences and creators in different ways – no one-size-fits all approach should be adopted.

² For example, APTN's collaboration with Bell Media has resulted in co-producing Little Bird, Acting Good, and the soon-to-be-released Don't Even.

- The Commission should expect broadcasting undertakings (or broadcast groups, as appropriate) to identify the ways in which they may be best able to support Indigenous broadcasting policy goals as part of their individual contribution agreements. This includes online undertakings, who may be able to play a particularly important role in providing access and improving discoverability for Indigenous content.
- The primary responsibility of commercial radio and television stations is to serve their audiences. Their ability to do so should not be constrained by outdated and overly intrusive content regulations, particularly in this time of abundant on-demand media choices. In today's media environment, airing content that audiences are not interested in will cause them to turn off their local radio or television stations in favour of streaming apps. This has a significant negative impact on Canadian broadcasters and their ability to continue supporting cultural objectives.
- For years, the Commission has licensed broadcasters as English, French or ethnic/third-language. This approach is designed to ensure audiences have access to content that appeals to them, without requiring every broadcaster to serve every linguistic or ethnic group. In this way, the Commission has assured that the broadcasting system, as whole, serves the needs and interests of all Canadians. A similar approach should apply with respect to Indigenous content and Indigenous language programming. Indigenous content should be provided first and foremost by Indigenous-owned and controlled broadcasters.
- While they are committed to serving the full diversity of their audiences, it may not be appropriate for non-Indigenous commercial broadcasters to include Indigenous content, particularly content in languages other than their operating language, be that French, English or third languages.
- Reliable and measurable definitions of Indigenous content, established in consultation with Indigenous peoples, must be the foundation of any new regulatory considerations. Our radio members, for example, have reported that without databases or systems in place to identify Indigenous music, it is unworkable to track and report on airplay or even determine whether a musical selection is Indigenous or not. Further, the self-identification approach currently favoured by the Commission is unworkable and leaves radio stations with too much risk and undue administrative burden.³
- Based on discussions with Indigenous creative community stakeholders, we believe existing Canadian certification approaches do not work for identifying Indigenous audio-visual content and require a fundamental rethink. Until new methods are in place, it will be impossible to properly identify, measure and track Indigenous content.

³ We refer the Commission to the submission by Klondike Broadcasting Company Limited. The challenges they have identified apply to all radio stations.

Section B – Questions for broadcasting undertakings

Definition of an Indigenous undertaking

16. The CAB has no specific answers to the Commissions questions about the definition of Indigenous undertakings, however, in considering its approach to the authorization of Indigenous radio and television stations, the Commission must be guided by similar principles identified by the CAB above – namely, it must prioritize viability, flexibility, and a light regulatory touch. Imposing requirements that are too specific or too limiting will harm the ability of new Indigenous broadcasters to grow and thrive. That said, Indigenous broadcasters have an important role to play in supporting Indigenous creators and must not simply duplicate the programming of non-Indigenous stations.
17. In return for commitments to Indigenous content, including content in Indigenous languages, the Commission should explore mechanisms to ensure that Indigenous broadcasters have “pride of place” in the Canadian broadcasting system, including such mechanisms as access rights (where appropriate) and conditions surrounding their discoverability in the online space.

Indigenous broadcasting infrastructure

QB18. Please provide further context on current infrastructure issues in your community. Are there any potential solutions to address them through the Indigenous Broadcasting Policy?

18. As discussed elsewhere in this submission, the CAB believes that any conversations about supports for Indigenous creators and audiences should be discussed as part of the establishment of customized contribution agreements. For some broadcasters, contribution could take the form of infrastructure or engineering support, including, perhaps, training or internships for Indigenous engineers. Creating an environment that encourages creative and individualized approaches to supporting Indigenous broadcasting policy goals will result in better outcomes.

Supporting indigenous languages and cultures

QB26. How does the broadcast of Indigenous languages to a larger audience contribute to promoting and revitalizing Indigenous languages?

19. While providing programming in Indigenous languages could be an important way to contribute to promoting and revitalizing Indigenous languages, the responsibility for doing so cannot reasonably be shouldered by non-Indigenous broadcasters who are generally licenced to broadcast in English, French or third languages. To remain relevant to their intended audiences, broadcasters must remain free to broadcast content in the languages spoken by those audiences. Absent that, audiences will tune-out and, most likely, switch to online, on-demand undertakings where they can choose what to listen to or what to watch, to the ultimate detriment of Canadian radio and television stations, and their ability to contribute to Canadian broadcasting policy objectives.

20. That said, the proliferation of online undertakings and the expansion of broadband capacity provide a crucial pathway for making Indigenous programming more broadly available to non-Indigenous and Indigenous peoples.

Potential partnerships between Indigenous and non-Indigenous broadcasting undertakings

QB28. What could potential partnerships between Indigenous and non-Indigenous broadcasting undertakings, such as internships and professional development initiatives, look like? Please provide examples of possible scenarios or existing partnerships.

21. Broadly speaking, the CAB supports the development of partnerships between Indigenous and non-Indigenous broadcasting undertakings. This is another example of the type of possible initiatives that could be explored as part of the process of establishing customized contribution agreements. The CRTC should also explore mechanisms to incent partnerships.

Indigenous presence on air and in operations in the non-Indigenous broadcasting sector

QB29. What efforts do you currently make to offer programming that serves the interests and needs of Indigenous listeners/viewers and supports Indigenous content creators?

QB30. How can non-Indigenous broadcasting undertakings better serve the interests and needs of Indigenous listeners/viewers and support Indigenous content creators?

QB31. How can non-Indigenous broadcasting undertakings ensure greater representation of Indigenous stories in the content they provide?

(a) Are there any barriers to representing Indigenous stories? What do you propose to reduce these barriers?

QB32. What efforts have you made to hire Indigenous employees:

(a) on air (for example, actors, hosts, reporters); and

(b) in the operations (behind the microphone or camera)?

22. Canadian radio and television stations already support Indigenous audiences and creators in a number of ways, including through news coverage of issues of relevance to Indigenous peoples, airplay, interviews, technical support, and so on. That said, our members have noted that there are challenges, for example, one key barrier is finding indigenous storytellers (i.e. journalists). Broadcasters now receive fewer applicants in general for open journalist positions as fewer young people (including Indigenous young people) are entering the profession. Private broadcasters must compete for the small number of available Indigenous journalists with freelance work and with the CBC which is able to pay much higher salaries. We understand even APTN struggles to recruit Indigenous journalists and loses talent to the CBC. This is all the more reason to explore mechanisms that support the development and mentoring of the next generation of Indigenous storytellers and that promote partnerships amongst broadcasters, rather than mandating quotas.

23. The following bullets highlight examples of the ways in which the CAB's members support Indigenous content, creators and audiences:

- Most broadcasters have developed specific programming for September 30th, the National Day for Truth and Reconciliation, including, for example, The Gord Downie & Chanie Wenjack Fund's A Day to Listen, and many include land acknowledgements on-air and on station websites;
- Quinte Broadcasting, which has three radio stations located just west of the Tyendinaga Mohawk Territory, broadcasts a range of music by Indigenous artists and regularly conducts interviews with Indigenous peoples. They also cover all local Band Council meetings and report on them in their newscasts;
- Pattison Media supports Indigenous activities in its markets in a number of different ways – including actively supporting the Piikani Nation Radio studio in Brocket, Alberta, including providing technical guidance and repair support, production and automation training, and support in applying for a licence and navigating the CRTC's processes;
- Bell Media has supported a broad range of initiatives, including partnering with BIPOC TV & Film to create the HireBIPOC web portal that connects Black, Indigenous, and persons of colour with jobs and career opportunities in Canada's media industry, and has partnered with the National Screen Institute (Access BIPOC Producers Program) and The Academy of Canadian Cinema and Television (The Executive Residency Program) in support of initiatives that promote the advancement of people who identify as Black, Indigenous or people of colour in the sector.
- Golden West Broadcasting produces in-house weekly music programs that air on their radio stations in Manitoba and Saskatchewan, focusing exclusively on local talent. *Made in Manitoba* is a 30-minute weekly program that has been airing for 30+ years; in that time, many Indigenous and Metis artists have been and continue to be highlighted on a regular basis. *"Saskatchewan Canadian Country Showcase"* focuses exclusively local Canadian talent, inclusive of local Indigenous and Metis musical artists. Additionally, all Golden West radio stations air local emerging artists a minimum of 4X/day, 7 days a week; many of whom are Indigenous musicians. As numerous First Nations communities are within the coverage area of many Golden West radio station, they are naturally included in news, on-air and event coverage on an on-going basis.
- Cogeco Média regularly broadcasts music by Indigenous artists and interviews with members of Indigenous communities. It has also developed specific programming for the National Day for Truth and Reconciliation, the National Indigenous Peoples Day, as well as community events such as the Grand Rassemblement des Premières Nations / Mamuhitunanu in Saguenay-Lac-Saint-Jean.

- Global News BC holds three roundtable working group sessions per year with representatives of Indigenous communities across the province. During the sessions, Indigenous community representatives review news stories in real time with Global News leaders, breaking down how the stories could have been better told through an Indigenous lens. The project has informed numerous editorial changes, including featuring a greater number of people who identify as Indigenous on screen.
- Corus also supports a range of industry collaborations, including Indigenous 150+, a film and conversation series dedicated to amplifying Indigenous voices - this year they developed podcasts from Indigenous student creators that tell their stories and the stories of their families, nations and communities. Corus also supports Indspire's Building Brighter Futures program, which provides scholarship support to Indigenous students pursuing post-secondary opportunities in any field, including media, journalism and entertainment. And the Rise Above Racism PSA campaign is focused on eliminating racism towards Indigenous Peoples in healthcare and promoting allyship within the healthcare space. Corus also works with community experts to ensure on-screen and on-air representations of Indigenous peoples are accurate and respectful. For example, Corus' factual reality series, "Deadman's Curse," features two Indigenous main characters and explores the history of the Katzie First Nation. The production crew collaborates with heritage advisors and local First Nations. Similarly, Corus' Curiouscast podcast series, "Slumach's Gold", which centres on a First Nations man named "Slumach", involves extensive direct collaboration with Indigenous consultants from both the Katzie First Nation and Stó:lō Nation.
- Québecor Media is committed to rich, high-quality Indigenous programming, giving a voice to Indigenous peoples and highlighting their contributions, their artistic expressions and their contemporary and traditional histories, and ensuring that their voices and stories are not only heard, but also celebrated within the broadcasting system and society at large. Québecor has highlighted a long list of such programs in their submission to this proceeding.
- Rogers Communications Inc. has adopted a company-wide commitment to reconciliation, including commitments to amplify Indigenous voices through dedicated news coverage, online public resources and sports programming; partner with Indigenous communities through an all-Indigenous outreach, change-management and corporate development team who help to serve Indigenous customers and communities; and, create safe spaces and hire top talent with the help of the employee resource group, the Indigenous Peoples' Network. Rogers also works in partnership with post-secondary institutions and recruitment agencies to recruit, retain and promote Indigenous talent, including through internships and co-op initiatives. Rogers also supports Indigenous youth through the Ted Rogers Scholarships program, community grants to organizations that provide programming to Indigenous youth, and the Jays Care Foundation's Indigenous Rookie League.

Reporting on equitable portrayal of Indigenous peoples

QB33. Are there reporting measures or other actions that could be applied to support anti-discriminatory, and culturally sensitive representation of Indigenous peoples in broadcasting, including but not limited to Indigenous women, girls, and 2SLGBTQI+ people, to be inclusive of diverse Indigenous cultural backgrounds?

24. In considering any new reporting requirements, the Commission must be sensitive to the administrative burden additional reporting may create. Canadian broadcasters must file a myriad of reports with the CRTC and with the government on a range of subjects. The Commission must seek opportunities to minimize or streamline any reporting requirements – and before introducing any new reporting obligation, seek to remove another. Canadian broadcasters are already held to much higher reporting and disclosure requirements than their foreign online competitors and any incremental reporting will only exacerbate this disadvantage and inequity. Further rationalizing reporting requirements is an important part of adopting a regulatory framework in keeping with the three principles of viability, flexibility and light regulatory touch.

Section C – Questions in support of Indigenous content*Supporting Indigenous content creators in their Indigenous languages*

QC1. How can the CRTC encourage the inclusion of Indigenous-language content in the programming broadcast by non-Indigenous broadcasting undertakings?

- (a) What kind of means or metrics for success could be used to achieve this goal?

QC2. What incentives or measures could help Indigenous content creators fully participate in the broadcasting system in Canada by getting their content broadcast in Indigenous languages?

25. Subject to our further comments on the definitions of Indigenous audio and audiovisual content below, the CAB believes incentives are the most appropriate way to encourage the inclusion of Indigenous content in the programming of non-Indigenous broadcasters. As noted above, we do not believe it is appropriate to require mainstream English- or French-language linear broadcasters to include Indigenous-language content in their schedules. Depending on their market and the interests of their audiences, some may choose to do so, however, others may not want to risk audience dissatisfaction and tune-out by including programming in languages other than their primary service language.
26. The CAB recommends that the broadcast of Indigenous content should be bonused against Canadian content obligations – either a time credit or, as currently exists, a spending credit of 150%. Indigenous-language programming should be eligible for a credit of 200%.
27. In this way, non-Indigenous Canadian radio and television broadcasters will be encouraged to provide Indigenous content, and content in Indigenous languages.

Current definition of Indigenous audio content

QC3. What are some existing guidelines that could be used to respectfully ensure the Indigeneity of audio content prior to being broadcast?

QC4. Is the definition above adequate for the purpose of ensuring the presence of Indigenous music in the broadcasting system? Please explain.

QC5. What other definitions of Indigenous audio content should be considered?

(a) Are there other definitions in use today that are widely accepted by Indigenous content creators and could be used for regulatory purposes? If so, please provide details and the sources of these other definitions.

QC6. What organization(s), if any, should contribute to defining and identifying Indigenous audio content?

28. In our discussions with Indigenous groups, we learned that there are unique approaches to determining Indigeneity that involve knowing the community to which an Indigenous person belongs, and having that community recognize that person. It is not a simple matter of showing a passport or a status card and requires a very different and more nuanced approach than those applied in non-Indigenous structures and processes.
29. The CAB defers to representatives of Indigenous communities to propose the most appropriate approach to determining Indigeneity and to establish the definition of Indigenous audio content.
30. That said, we are very concerned about any definition that relies on self-identification, as that places undue risk and pressure on radio station operators, many of whom do not have the resources to identify, track and measure Indigenous content, and have little faith in Commission staff accepting content as Indigenous without more rigorous approaches. More importantly, it should not rest on the shoulders of individual radio station operators to identify Indigenous music.
31. The CAB believes that there must be some centralized mechanism or organization for identifying and designating musical selections as Indigenous. Until the broader music industry agrees on an approach (in consultation with Indigenous peoples), including who will reliably designate a selection as Indigenous, radio stations cannot reasonably identify Indigenous music, or track airplay. The Canadian radio industry does not have the resources to identify or track Indigenous music – systems must be put in place that are agreed upon by record/distribution companies, by providers of music scheduling software, and by Indigenous artists, and representatives of Indigenous artists, including the Indigenous Music Office.⁴

⁴ Despite several attempts, the CAB was unable to consult with anyone from the Indigenous Music Office.

Current definition of Indigenous audio-visual content and the certification process

In Broadcasting Decision [2022-165](#), the CRTC defined an “Indigenous producer” as an individual who self-identifies as Indigenous, which includes First Nations, Métis or Inuit, and who resides in Canada, or an independent production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and who reside in Canada. In the definition of “independent production company,” a “Canadian company” also includes a production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and reside in Canada.

QC7. Do the definitions presented above properly define Indigenous content?

(a) Will it help to ensure the presence of Indigenous audio-visual content in the broadcasting system? Please explain.

QC8. What are some existing guidelines that could be used to respectfully ensure the Indigeneity of audio-visual content prior to being broadcast?

QC9. What other definitions of Indigenous audio-visual content should be considered?

(a) Are there other definitions in use today that are widely accepted by Indigenous content creators and could be used for regulatory purposes? If so, please provide details and sources of these other definitions.

QC10. What organization(s), if any, should contribute to defining and identifying Indigenous audio-visual content?

32. As noted above, the CAB defers to Indigenous creators and organizations like the ISO for determining the most appropriate definition of Indigenous audio-visual content, particularly given the more community-based approach to establishing Indigeneity.
33. Of particular note, however, while we understand the intent behind favouring self-identification, we have serious concerns about relying on such an approach in a regulatory context, particularly in the face of over-zealous performance evaluations by Commission staff.⁵
34. Our discussions with Indigenous creators made it clear that the existing structures and processes in place for certifying Canadian content may not work and may require a rethink. A word we heard often in our consultations with Indigenous groups was “authenticity.” What we heard is that Indigenous content should be made by Indigenous peoples. By extension, the certification of Indigenous content should also be done by Indigenous-lead organizations.

⁵ For example, Commission staff have recently questioned the “Canadian-ness” of certain songs that have always been recognized as Canadian, including music by Canadian rapper Snow and country artist Terri Clark.

Supporting the broadcasting and discoverability of content created by Indigenous content creators

QC11. How can the Indigenous Broadcasting Policy ensure that non-Indigenous broadcasting undertakings have access to Indigenous content and that this content is effectively broadcast by non-Indigenous services?

QC12. What measures could non-Indigenous broadcasting undertakings undertake to help ensure that Indigenous content can be found and easily discovered by all audiences, including Indigenous listeners/viewers?

35. Three things need to be put in place before non-Indigenous radio and television broadcasters can even begin to contemplate the individual ways in which they might be incented to support Indigenous audiences, creators or content (for the purposes of their customized contribution agreements):

- Industry-recognized and Indigenous-lead certification processes for both audio and audio-visual content;
- Databases that identify Indigenous content, creators and artists; and
- Industry-wide systems and processes for the identification and tracking of Indigenous artists.

Funding mechanisms

QC14. Apart from the measures contemplated in Broadcasting Notice of Consultation 2023-138, what additional policy initiatives could ensure a stable financial base for the creation, production, promotion, and distribution of Indigenous content?

36. The Commission has already taken important steps in this respect by requiring that a portion of the initial contributions of online undertakings be directed to funds that support Indigenous creators. The Commission has previously indicated that it may similarly require Canadian content development (CCD) funds to be directed to Indigenous initiatives, which may be another mechanism to support Indigenous content creation.

37. To incent additional spending on Indigenous programs, artists, events, training, etc., the CRTC could also apply bonuses to any discretionary CCD funds directed towards such initiatives. We recommend a spending credit of 150% for Indigenous content and a credit of 200% for Indigenous-language content.

Quotas and expenditures

QC15. What are your views on non-Indigenous radio broadcasters being required to devote a percentage of their broadcast time to Indigenous-created content, including music and spoken word in Indigenous languages?

38. Non-Indigenous radio broadcasters should not be required or expected to devote a percentage of their broadcast time to Indigenous-created content. Further, in light of their licensing as English, French, or ethnic stations, they should not be subject to any obligation to air Indigenous-language content.

39. Non-Indigenous broadcasters should instead be encouraged to air Indigenous content and Indigenous-language content through incentives, including time credits (against Canadian content obligations) – for example, a 150% credit for Indigenous musical selections in English or French and a 200% credit for Indigenous musical selections in Indigenous languages.

QC16. What other regulatory mechanisms could help ensure the inclusion of Indigenous content and storytelling on non-Indigenous radio?

40. The CAB believes that incentives are the most compelling way to ensure that non-Indigenous radio stations include Indigenous content and storytelling in their programming. We recommend a 150% time credit (against Canadian content obligations) for Indigenous content in English or French and a 200% time credit for Indigenous content in Indigenous languages.

41. As described elsewhere, the Commission could also discuss other forms of support with individual broadcasters (or groups) through the process of establishing customized contribution agreements.

QC18. What measures should the CRTC take to help ensure the broadcast of Indigenous content on non-Indigenous audio-visual services?

- (a) Could other means be more appropriate than expenditure or exhibition requirements to meet this objective?

QC19. Should these means be applicable to all broadcasting undertakings? Please explain.

42. As noted above, the CAB believes that all broadcasting undertakings, including online undertaking, should be permitted to propose ways that they can best support Indigenous creators and audiences as part of the process of establishing customized contribution agreements. No one-size-fits-all quotas or generic spending obligations should apply, particularly to linear programming services, which must program their stations/services in accordance with the interests of their audiences, and who cannot afford the risk of alienating their audiences by presenting content that they do not want.

43. As part of the customized contribution agreement process, broadcasters should be permitted to propose commitments that are in keeping with the markets that they serve, the nature of their services, and their specific business models and realities.

Indigenous content database

QC20. Are there existing databases that could be used for locating, identifying and accessing Indigenous content? If so, please provide details, such as the ownership and administration of the database and the level of information provided.

QC21. Who is best positioned to address self-identification aspects for the purposes of a database?

QC22. How can broadcasting undertakings locate Indigenous content in addition to a database?

44. We are not aware of any existing databases and as highlighted elsewhere in this submission, this is an important consideration.
45. In the absence of an industry-accepted, credible and reliable database, administered by Indigenous peoples, it is very difficult to reliably identify Indigenous content or to track and monitor its airplay. We urge the Commission to support the creation of such a database.

*** End of submission ***