



Sent via Intervention Form

9 October 2024

Marc Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

**Re: Comments of the Canadian Association of Broadcasters with respect to
Broadcasting Notice of Consultation CRTC [2024-202](#)
*Call for comments – Guidelines regarding consultation and engagement practices in
proceedings relating to official language minority communities and official languages***

1. As the national voice of small, medium and large Canadian privately-owned and controlled radio, TV and discretionary broadcasters both independent and vertically integrated, including stations serving official language minority communities (OLMCs), the Canadian Association of Broadcasters (CAB) is pleased to provide its comments on the above noted consultation process.
2. The CAB supports the Commission's efforts to strengthen its practices and procedures to further support OLMCs and other stakeholders on broadcasting matters relating to OLMCs and official languages. This is important work, as well as required work under both the revised *Broadcasting Act* (the Act) and the government's direction to the CRTC. We fully respect that, as a result, the Commission must consult with OLMCs on broadcasting matters that impact them. At the same time, we are sensitive to any additional burden that additional consultation may impose, and the risks of extending the timeframes on important processes to implement the Act, bring foreign streamers into the framework, and recalibrate its application to radio and television stations and services.
3. Our answers to the Commission's questions are developed with this context in mind.

Q1. The Commission is seeking comments on the definition of “adversely affect” proposed in the draft guidelines, which is to cause “a direct, tangible, appreciable and immediate harm to the vitality and development of one or more OLMC.”

4. The CAB supports the Commission’s proposed definition of “adversely affect.” In cases where the Commission is considering adding an additional consultation step, the issue in consideration must be significant enough to warrant that extra step. By defining the occasions on which extra consultation will take place in relation only to “direct, tangible, appreciable and immediate harm,” the Commission will be able to ensure that OLMCs have a specific opportunity to comment on meaningful proceedings, without an undue impact on the other work of the Commission where OLMCs will not be adversely affected.

Q2. For the purpose of consultation with OLMCs and soliciting the views of French speakers in Canada on relevant matters, the Commission is seeking comments on how it should identify whom to consult among these groups in any given proceeding. How best can the Commission determine that those consulted represent the collective views and priorities of OLMCs and the French-speaking minority in Canada?

5. The CAB supports the Commission’s intent to permit OLMC groups to self-identify. We notice that the Commission is increasingly using emails as a mechanism to reach out to various interest groups and believe this is an appropriate way to invite interested OLMC and French speakers to consider whether to participate in a given process.

Q3. Identify any other forms of feedback the Commission should consider implementing during or after a consultation process with OLMCs, and provide justification.

Q4. What subject matter should the feedback focus on? Provide justification.

6. The CAB believes that the feedback of OLMCs/French speakers can be properly canvassed as part of the Commission’s existing practices and procedures, including the ability to file, if appropriate and necessary, a procedural request for an extension of time in cases where there may be an adverse impact.
7. We recognize that the Act also requires the Commission to establish a feedback mechanism “after” a decision has been made, however, we do not believe a formalized process for such feedback is necessary. Further, formalizing such a feedback process could risk creating an expectation that the Commission will “review and vary” broadcasting decisions, something which does not apply to broadcasting proceedings. OLMCs/French speakers can always submit feedback via the Commission’s new OLMC email address and at the OLMC meetings described in the Commission’s notice.

Q5. Provide any other suggestions for other engagement with OLMCs and the French-speaking minority in Canada in the Commission's work.

8. The Commission's planned engagement strategy, as set out in the appendix in the notice, including the creation of a contact list of interested parties, should be sufficient to ensure that OLMCs and French-speaking minorities are aware of CRTC processes and can participate in them fully.

All of which is respectfully submitted.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Desjardins', with a stylized flourish at the end.

Kevin Desjardins
President
Canadian Association of Broadcasters

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