



Canadian Radio-television and  
Telecommunications Commission

Conseil de la radiodiffusion et des  
télécommunications canadiennes

# Implementation of Section 41 of the *Official Languages Act*

## Achievements Report

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Canada

9 May 2005

Judith A. LaRocque  
Deputy Minister of Canadian Heritage  
25 Eddy Street, 12<sup>th</sup> Floor  
Gatineau, Quebec  
K1A 0M5

Dear Ms. LaRocque:

Pursuant to the commitments following the Canadian Radio-television and Telecommunications Commission's designation under section 41 of the *Official Languages Act* (OLA), I am pleased to send you the achievements report stemming from the 2004-2005 action plan. This is the first such achievements report to be submitted by the CRTC since its designation on 22 August 2003.

As you will note, this review reflects the CRTC's desire to continue, within the limits of its mandate, its efforts to ensure a better balance of Canadian broadcasting services in minority environments.

Overall, the CRTC met the objectives set out in its 2004-2005 action plan by continuing to implement the recommendations of its report on broadcasting services in minority environments, by fostering exchanges with official language minority communities and by recognizing the specific character of community radio stations in the analyses guiding its decisions.

Concerning the 2005-06 action plan, the CRTC wishes to draw to your attention a number of considerations that have led it to propose renewing the current action plan for an additional year. The plan, which is the first in the CRTC's history, was developed following several consultations with organizations representing official language minority communities; these organizations supported the main objectives and contents of the plan when it was published in May 2004. Since then, there have been no comments or criticism calling for the amendment of the CRTC's action plan.

In March 2005, the CRTC asked the *Fédération des communautés francophones et acadiennes du Canada* (FCFA) to make a presentation to the CRTC and to discuss its concerns. This meeting confirmed that the

objectives set in the 2004-2005 action plan were still relevant. In conclusion, the FCFA recommended that the CRTC pursue its efforts with particular emphasis on the achievements stemming from this action plan that are particularly important to Francophone minority communities, but without questioning the merits of the content of the action plan in any way.

Your department recently stated its intention to harmonize the development of action plans submitted by the designated departments and agencies by inviting them to submit action plans covering a three-year period. In this context, the CRTC believes it would be more appropriate to renew for an additional year its existing action plan, which was released less than a year ago, while committing to develop a new action plan next year. If this meets with your approval, CRTC staff will start a new consultation process at the end of this year to assess the impact of the first action plan and develop a new three-year action plan reflecting the needs of the communities involved.

I hope you find this proposal acceptable.

Yours sincerely,

Diane Rhéaume  
Secretary General

**Canadian Radio-television and  
Telecommunications Commission**

**2004-2005 Achievements Report**

**Implementation of Section 41  
of the *Official Languages Act***

For additional copies of the report, please contact:

Documentation Centre  
Canadian Radio-television and  
Telecommunications Commission (CRTC)  
Les Terrasses de la Chaudière  
Central Building  
1 Promenade du Portage  
Gatineau, Quebec

Mailing Address:  
CRTC  
Ottawa, Ontario  
Canada  
K1A 0N2

Telephone: 1 (819) 997-2429  
1 (877) 249-2782 (toll-free)  
TDD: 1 (877) 909-2782 (toll-free)

This publication is available electronically: <http://www.crtc.gc.ca>

This publication can be made available in alternative format upon request.

*Ce document est également disponible en français.*

Catalogue No. BC9-8/2005E-PDF  
ISBN 0-662-42754-8

## General information

- Identification of agency:

Canadian Radio-television and  
Telecommunications Commission (CRTC)  
Les Terrasses de la Chaudière  
Central Building  
1 Promenade du Portage  
Gatineau, Quebec J8X 4B1

Mailing address:

CRTC  
Ottawa, Ontario  
Canada K1A 0N2

- Mandate of agency:

The CRTC has a mandate to regulate and supervise the Canadian broadcasting and telecommunications system in accordance with the objectives set out in sections 3 and 5 of the *Broadcasting Act* and section 7 of the *Telecommunications Act*.

- Officer responsible:

Diane Rhéaume  
Secretary General of the CRTC

- Period covered by the action plan:

The plan covers the period from 1 April 2005 to 31 March 2006.

## Summary of achievements

For 2004-2005, the CRTC had targeted three objectives for the implementation of section 41 of the *Official Languages Act* (OLA). The aim of these objectives was to continue providing, within the limits of its mandate, a better balance of Canadian broadcasting services in minority environments.

First of all, the CRTC wished to pursue the implementation of the recommendations of its report on broadcasting services in minority environments (*Achieving a better balance*, Public Notice CRTC 2001-25). This report contains a policy statement aimed at increasing the availability of Canadian broadcast services in minority environments. In practical terms, the CRTC, in the past year, contributed to the promotion of access to television services in the official languages in minority environments. This contribution was made evident on several occasions, including the renewal of the broadcasting licences of direct-to-home satellite distribution undertakings, where the CRTC, as a condition of licence, required undertakings to distribute the regional television services of *Société Radio-Canada* (SRC), the French-language service of the CBC.

The CRTC also encouraged broadcasting licensees to pursue their efforts to increase the production and broadcast of regionally produced programming. This consideration was taken into account in the approval of the TV5 Québec-Canada licence amendment, in the review of TVA's annual report and in the licence renewals of 22 specialty television services.

Conscious of the need for greater awareness of the realities surrounding official language minority communities (OLMCs), the CRTC also sought during 2004-2005 to promote exchanges with these communities. Accordingly, the CRTC and its staff recently met with the executive of the *Fédération des communautés francophones et acadiennes du Canada* (FCFA) to discuss various issues pertaining to these communities and the broadcasting sector. The CRTC also participated in the annual meeting of the Working Group on Media Arts. Led by the Canadian Heritage Department, this working group includes producers, broadcasters and representatives of OLMCs.

As a key element in the Canadian broadcasting system, the CRTC made it a goal to continue to recognize the specific character of community radio stations. Hence, the CRTC recently granted a broadcasting licence, following public and competitive processes, to two new community radio stations in minority environments.

In accordance with the requirements of its designation under section 41 of the OLA, the following is a detailed review of the CRTC's activities in 2004-2005, within the limits of its mandate. These activities are presented according to the categories established by the Canadian Heritage Department.

## **Awareness**

Activities to raise employee and senior management awareness within the CRTC of linguistic duality and of the priorities of OLMCs.

### **CRTC achievements in 2004-2005**

- Circulation of the “2004-2005 Action Plan: Implementation of Section 41 of the *Official Languages Act*” to all members of the Commission and all of the branches involved.
- Collaboration of the managers involved in preparing the 2004-2005 Achievements Report.
- Publication of the “2004-2005 Action Plan: Implementation of Section 41 of the *Official Languages Act*” on the CRTC’s Web site.
- Approval by the Commission of the 2004-2005 Achievements Report.

## **Consultation**

Consultation of OLMCs on priorities or on the CRTC’s initiatives or policies.

### **CRTC achievements in 2004-2005**

- In March 2005, the Commission and its staff met with the executive of the *Fédération des communautés francophones et acadiennes du Canada* (FCFA), which represents all of the provincial and territorial associations of Francophone and Acadian people living in minority environments as well as eight national sectoral associations, including the *Alliance des radios communautaires du Canada* and the *Association de la presse francophone*.

During this meeting, the FCFA stated how pleased it was with the CRTC’s desire to consult with organizations representing the Francophone and Acadian communities and to take their needs into account in the execution of its mandate. The FCFA detailed a number of its concerns regarding broadcasting in Canada. These concerns pertained to national French-language television services, access to French-language television services for OLMCs and the development of community radio.

The concerns voiced by the FCFA were consistent with the objectives set out in the CRTC’s 2004-2005 Action Plan for the implementation of section 41 of the OLA.



- In August 2004, Commission Member Andrée Noël participated in the annual general meeting of the FCFA.

### **Communications**

External communication activities to inform OLMCs of CRTC activities, programs and policies.

#### **CRTC achievements in 2004-2005**

- Distribution of the “2004-2005 Action Plan: Implementation of Section 41 of the *Official Languages Act*” to:
  - each of the organizations consulted in the development of the plan;
  - the Office of the Commissioner of Official Languages (OCOL);
  - the House of Commons Standing Committee on Official Languages; and
  - the Senate Standing Committee on Official Languages.

### **Coordination and liaison**

Coordination and liaison activities with other government authorities.

#### **CRTC achievements in 2004-2005**

- The staff of the CRTC participated in the annual meeting of the Working Group on Media Arts led by the Canadian Heritage Department. Francophone producers outside Quebec were represented at this meeting by the *Alliance des producteurs francophones du Canada* (APFC). Also represented at this meeting were several broadcasters (SRC, TFO), agencies (NFB, Telefilm Canada), the Canadian Television Fund (CTF) and a number of associations representing Francophones outside Quebec, such as the *Fédération culturelle canadienne-française* (FCCF). The meeting was held on 2 February 2005.
- The staff of the CRTC participated in meetings held by national coordinators responsible for the implementation of section 41 of the OLA, under the responsibility of the Canadian Heritage Department.
- The CRTC appeared before the House of Commons Standing Committee on Official Languages on 28 April 2004.

### **Funding and program delivery (does not apply to the CRTC)**

Program implementation and service delivery; funding of OLMC projects.

### **Implementation of the recommendations of the CRTC report on broadcasting services in a minority environment**

As an administrative tribunal, the CRTC does not manage programs or services, nor does it fund activities. In the execution of its mandate, however, the CRTC issues, renews or amends broadcasting licences and also regulates and supervises all aspects of the Canadian broadcasting system. These activities are performed pursuant to the *Broadcasting Act* and in harmony with the objectives set in section 41 of the *Official Languages Act*.

### **CRTC achievements in 2004-2005**

Objectives of the Action Plan 2004-2005

- Promoting access to television services in the official languages in minority communities:
  - In Broadcasting Public Notice CRTC 2004-19, published on 31 March 2004, the CRTC set out its determinations on common issues related to renewal of the broadcasting licences for the ExpressVu and Star Choice direct-to-home (DTH) satellite distribution undertakings. In addition, the DTH licensees will be required, as a condition of licence, to ensure that the number of signals of CBC French-language owned and operated conventional television stations that they distribute never falls below the number of signals of French-language conventional television stations distributed from any other individual broadcasting group. Regardless of the number of signals of private television stations distributed, the DTH licensees will be required to distribute a minimum of five signals of CBC owned and operated English-language conventional television stations and a minimum of five signals of CBC owned and operated French-language conventional television stations, including the signals of at least one English-language and one French-language conventional television station from each time zone. These requirements became effective 1 September 2004, at the beginning of the present broadcast year.
  - In Decision CRTC 2000-2, published on 6 January 2000, the CRTC renewed the licences for CBC French-language radio for a seven-year term. The CRTC stated that it expected the CBC to extend the service coverage of *La*

*Chaîne culturelle* to at least 50% of the French-speaking population of each province and to all the provincial capitals. In its 2003-2004 annual report, the CBC stated that growth of the reach of *La Chaîne culturelle* was proceeding as had been anticipated in its development plan. The addition of new transmitters has now made it possible for the CBC's *La Chaîne culturelle* service to reach every provincial capital and close to 91% of Canada's French-speaking population.

- Encouraging broadcasting licensees to continue efforts to increase production and broadcast of regionally produced programs:
  - In Broadcasting Decision CRTC 2004-467, published on 25 October 2004, the CRTC approved an amendment to the licence of the specialty programming undertaking TV5 Québec Canada. The Commission authorized TV5 to carry advertising subject to conditions requiring programming expenditures outside Quebec.
  - In reviewing TVA's 2003-2004 annual report, the CRTC reminded TVA that its national network licence was subject to conditions and commitments concerning the reflection of OLMCs and asked TVA to take note of the CRTC's 2004-2005 Action Plan for the implementation of section 41 of the OLA, which is available on the CRTC's Web site.
  - Consistent with the Commission's objective of promoting greater regional reflection and increasing the exhibition of programming produced outside of the major production centres of Vancouver, Toronto and Montreal, the Commission stated in its "Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27 renewing the licences of 22 specialty services" (Broadcasting Public Notice CRTC 2004-2) that licensees are expected to ensure that their programming is broadly reflective of all of Canada's regions, and that producers from outside the major production centres have the opportunity to produce programming for their services.
- During competitive processes for the awarding of radio licences, the CRTC analysed community radio applications on the basis of the criteria set out in its policy on community radio (*Community radio policy*, Public Notice CRTC 2000-13). It subsequently awarded community radio licences in minority communities to Radio Beauséjour (Moncton, New Brunswick, Broadcasting Decision CRTC 2004-518) and to Radio Brise de la Baie (Saint-John, New Brunswick, Broadcasting Decision CRTC 2004-521).

In Broadcasting Decision CRTC 2005-76, moreover, the CRTC approved the application by *La Coopérative radiophonique de Toronto inc.* for an extension of the time limit to commence the operation of its French-language community radio station in Toronto.

## **Accountability**

Activities through which the CRTC integrates its work to implement section 41 of the OLA into planning and accounting mechanisms.

### **CRTC achievements in 2004-2005**

- *Estimates: Performance Report for the Period Ending 31 March 2004.* This report presents the CRTC's achievements established through partnerships and collaboration.
- *Annual Review on Official Languages, 2003-2004.* This annual report details the CRTC's implementation of the federal government's Official Languages Program (Parts IV, V and VI of the OLA).
- *2005-2006 estimates, Part III: Report on Plans and Priorities.* This report presents the CRTC's planned expenditures and priorities for 2005-2006.

### **The CRTC's 2005-2006 Action Plan**

The CRTC action plan for 2004-2005, the first such plan in the CRTC's history, was developed following several consultations with organizations representing OLMCs. Since its publication in May 2004, the action plan has not been the subject of any criticism or comment with a view to its amendment.

The action plan published last year will therefore be renewed for an additional year. However, the CRTC has committed to undertake a new consultation process at the end of 2005 that will enable it to assess the impact of its first action plan and to develop a new three-year action plan for the 2006-2009 period.