



**Canadian Media Guild**

**La Guilde canadienne des médias**

CWA/SCA CANADA

February 9, 2011

Robert A. Morin  
Secretary General  
CRTC  
Ottawa, Ontario  
K1A 0N2

Filed electronically

Dear Mr. Morin:

**Re: CRTC 2011-14: TV and Radio Regulations**

1. The Canadian Media Guild is a union representing 6,000 media workers across Canada, including some two thousand journalists and electronic newsgatherers.
2. The CMG is both perplexed and troubled by the proposal in public notice CRTC 2011-14 to loosen the regulations that prohibit the broadcast of false and misleading news. The proposed regulations would prohibit the broadcast of “any news that the licensee knows is false or misleading and that endangers or is likely to endanger the lives, health or safety of the public.”
3. The notice indicates that the amendment to loosen the rules addresses “concerns raised by Parliament’s Standing Joint Committee for the Scrutiny of Regulations.” It does not spell out what the concerns are or how the amendment is intended to address them. A full public disclosure of this information is necessary for an informed consultation.
4. CMG Recommendations  
The CMG does not believe the proposed amendment to the Radio (1986), Television Broadcasting (1987) and Pay Television (1990) regulations as they pertain to the broadcast of false and misleading news is appropriate. Further public consultation, based on more information, is needed on this important issue before any changes are made to existing regulations. The CMG recommends that the Commission:
  - i. Withdraw the proposed amendment to all of the regulations affected.
  - ii. Convene a separate proceeding on news to address the need to prevent the broadcast of false and misleading news while maintaining journalistic independence.

- iii. Develop a discussion paper and provide policy and regulatory options in advance of the proposed proceeding on news.

5. Discussion

The Commission appears to be proposing to give licensees free rein to lie and mislead the Canadian public in the guise of delivering news, as long as the false information doesn't, or isn't likely to endanger life, health or public safety. The amendment gives a further out to a licensee by allowing them to argue that they didn't know that what they were broadcasting was false. This kind of loosening of the rules can be interpreted as a frontal assault on democratic debate and the notion of an informed citizenry.

6. In a context in which a declining number of private owners control a larger amount of our public airwaves, there is more public concern than ever about the quality and diversity of news, information and analysis available to Canadians. The majority of private licensees are part of large corporate groups that have a broad range of social, political and economic interests of their own. A journalistic decision made in a single corner office reaches the screens and radios of millions of Canadians. And it is very difficult – if not impossible – to reverse the devastating effects of an irresponsible decision that serves to mislead Canadian viewers and listeners. This is a dangerous time to reduce the responsibilities of licensees with respect to the news that they deliver.
7. We therefore urge the Commission to withdraw the proposed amendment related to false and misleading news.
8. We note that well ahead of the deadline for interventions on CRTC 2011-14, hundreds of Canadians had already written to object to the amendment. This groundswell of comment suggests that the proposed regulatory change is not viewed as simply a matter of legal housekeeping. It cuts to the heart of Canadians' collective understanding of the importance of news.
9. The CMG recently expressed concerns related to the definition of news and news balance and proposed that a proceeding be convened on these issues, in response to CRTC 2010-649, the application by Sun TV News:

“To our knowledge, there has not been a pan-Canadian opportunity to examine policy issues related to the definitions and public expectations of a Canadian ‘all-news’ service.

We therefore recommend that a policy hearing be held to examine the definition of news and news balance before the Category 2 licence be granted. Such a hearing would not focus on Sun TV News, but would be an opportunity for Canadians to provide views and research on matters related to broadcast news in general. It would also be an opportunity to examine news in the context of the major changes in the

broadcasting industry over the last two decades, including the move to extremely large and integrated ownership groups.”

10. The high degree of public interest CRTC 2011-14 has elicited precisely on a matter related to the regulation of news content confirms that a public proceeding on news continues to be warranted.
11. We therefore recommend a hearing to determine appropriate regulation and policy related to news broadcasting. The notice should include a clearly stated rationale for any proposed changes to existing policy.
12. The *Broadcasting Act* echoes the importance that Canadians place on their news. Section 3(1)(b) declares that “the Canadian broadcasting system...provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty.” Section 3(1)(d) further states that the “system should serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada (and) encourage the development of Canadian expression by ... offering information and analysis concerning Canada and other countries from a Canadian point of view.”
13. The Act does not define “information” or “analysis.” In Section 2(3), however, it says that the Act “shall be construed and applied in a manner that is consistent with the freedom of expression and journalistic, creative and programming independence enjoyed by broadcast undertakings.”
14. The regulatory approach must therefore balance the need for news, information and analysis that is free of lies and falsehoods with the interests of journalistic freedom. A new approach is needed to prevent the broadcast of any kind of false and misleading news, in part through remedies imposed on those that clearly infringe the rule, while preventing any potential misuse of such policy to impinge on journalistic freedom and undermine democratic participation.
15. We are not prepared at this time to offer a comprehensive proposal on how this balance might be achieved in practice. It is for that reason that we are proposing that the Commission produce or commission a discussion paper that outlines various policy and regulatory options.
16. As part of the proposed proceeding, the Commission should require the Canadian Broadcast Standards Council and CBC/Radio-Canada to report on what complaints they have received about news coverage and how they have handled each complaint. This information is necessary to evaluate existing self-regulation mechanisms to ensure the high-quality information and analysis that Canadians expect from their broadcasting system. In addition, the Commission should provide details on the occasions in which the existing regulation prohibiting false and misleading news has been enforced since it was first introduced.

17. Conclusion

Broadcasters provide a public service that serves to “safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada.” One aspect of that service is the provision of information and analysis. We need a regulatory and policy framework that recognizes the utmost importance of the licensees’ responsibility to their fellow citizens and that safeguards, at the same time, the independence of working journalists from the pressures of powerful forces.

18. We would be pleased to appear at a public hearing to further explain our proposal for a new public proceeding.

Sincerely,

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