



On Screen Manitoba

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Mr. Robert Morin,
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

Submitted electronically

November 7, 2011

Re: Broadcasting Notice of Consultation CRTC 2011-524 and 2011-524-1 Call for Comments on the Canadian Broadcasting Participation Fund

1. On Screen Manitoba wishes to take this opportunity to provide the following comments regarding the Call for Comments on the Canadian Broadcasting Participation Fund (Notices of Consultation 2011-524 and 2011-524-1).
2. On Screen Manitoba welcomes the establishment of the Canadian Broadcasting Participation Fund (Participation Fund), which we believe will help to ensure that a diversity of voices representing the public interest will have more opportunity to intervene effectively in matters before the CRTC. Public interest and consumer groups are generally non-profit organizations with limited financial and human resources. The Participation Fund has the potential to facilitate the quality and frequency of participation by those groups at CRTC hearings through financial support for research and representation. Should the CRTC call a public hearing on this matter, we request the opportunity to appear.
3. On Screen Manitoba is an innovative membership-driven association that leads, builds and represents the Manitoba screen-based media industry. On Screen Manitoba's membership represents a cross section of individuals and industry organizations (production companies, creators, labour groups, distributors, broadcasters, suppliers and exhibitors) totalling more than 1,500 individuals representing Anglophone, multi-cultural, Francophone and Aboriginal communities.
4. In Broadcasting Decision 2011-163: *Change in effective control of CTVglobemedia Inc.'s licensed broadcasting subsidiaries*, the CRTC required that BCE Inc (BCE) make specific commitments to benefit the broadcasting system as a condition of approval of the sale of CTV globemedia Inc. (CTVgm) to BCE. These requirements include the creation of an independent Canadian Broadcasting Participation Fund (the Participation Fund) to help pay the costs of public interest and consumer groups that wish to participate in CRTC broadcast proceedings. On Screen Manitoba applauds the Commission's decision to require that BCE provide an initial \$3 million towards the Canadian Broadcast Participation Fund as part of its tangible benefits resulting from the purchase of CTVgm.

5. On Screen Manitoba has reviewed the Notice of Consultation along with the related documents and On Screen Manitoba thanks BCE and the Public Interest Advocacy Centre (PIAC) for their rapid and effective collaboration in responding to the Commission's request for expediency in setting up and making active the Canadian Broadcasting Participation Fund.
6. On Screen Manitoba supports the **mandate** of the fund. The Fund will allow more public interest and consumer groups to be a more active and effective participants in CRTC proceedings.. On Screen Manitoba notes that as the film and television production industry association for Manitoba, it represents writers, directors, producers, technicians, artisans and other industry professionals from Anglophone, Francophone, Aboriginal and multicultural communities.
7. On Screen Manitoba welcomes the opportunity to apply to the Participation Fund to conduct research and analysis of issues of concern that come before the Commission and to apply for support for its efforts to participate in proceedings. **We believe that non-profit organizations representing the public interest and consumer groups, including organizations such as On Screen Manitoba that speak to the importance of independent regional production, play an important role in ensuring a diversity of voice within the Canadian Broadcast system.**
8. In point 28 of their proposal regarding the Participation Fund BCE and PIAC define the organizations and groups able to access the Participation Fund as follows:
"Selected Consumer/Public Interest groups" will be defined as Consumer/Public Interest groups (advocacy or service groups) that are active before the Commission in broadcasting proceedings and directly represent a broad-based membership of users.
On Screen Manitoba notes that while the description of public interest and consumer groups appears broad, we live in a rapidly changing world where it is difficult to assess the impact of digital technology and resulting business models. This rapidly changing environment may require new, unanticipated alliances to effectively respond to issues before the Commission. Further, we note that new technologies are facilitating communication between different groups and organizations that may in the future find they share common ground in regards to the Canadian Broadcast System. These potential new perspectives should be recognized and have the opportunity to be heard by the Commission. **On Screen Manitoba suggests that the Commission consider extending the definition of "Selected Consumer/Public Interest groups" to include "ad hoc groups" that wish to appear before the Commission and that present reasonable arguments as to the value of their participation.**
9. In general terms, On Screen Manitoba is in agreement with the proposed **governance structure**; however, no mention is made of linguistic capacity nor cultural affiliation. The Commission stated "the Participation Fund should be used to assist in the representation, research and advocacy of public interest and consumer groups across Canada in both official languages" in the Call for Consultation 2011-524 (2011-524-1) and in Broadcast Decision 2011-163. As the Participation Fund must respond to requests in both official languages and should reflect the linguistic and cultural diversity of Canadian society, On Screen Manitoba requests that this be taken into consideration in the selection of directors.
10. Specifically, On Screen MB believes that at least 1/3 of the Directors should be bilingual and well-versed in issues relative to minority linguistic and cultural communities in Canada. On

Screen Manitoba believes that all of the directors should, as a part of their responsibilities as a director of the Participation Fund, be required to familiarize themselves with and take into consideration issues relative to minority linguistic and cultural communities in Canada at all times. **The Participation Fund should have the capacity to receive and review requests in both official languages while giving careful consideration to the importance of ensuring all Canadians have the opportunity to intervene effectively in Broadcast proceedings regardless of cultural and linguistic affiliations, and regardless of their geographic location.**

11. On Screen Manitoba agrees that the Directors should receive a modest and reasonable honorarium in recognition of their work for the Fund. We also agree that it is essential that a professional Costs Officer be hired and compensated appropriately for their work in supporting the Board of the Participation Fund and the day-to-day operations of the fund. It is understandable also that some legal and accounting expertise may be required to set up and maintain the fund. **On Screen Manitoba believes that the compensation in all of these areas should be reasonable and in line with ensuring the potential permanent existence of the Participation Fund.**
12. On Screen Manitoba agrees with the Commission's statement that **no more than 5%** of the total annual budget of the fund should be directed towards the administration of the fund. On Screen Manitoba is concerned that BCE states that the cost of setting up the fund will not be included in the 5% cap on administration. **On Screen Manitoba therefore urges the Commission to look carefully at the proposed budget for the establishment of the Fund in order to provide an appropriate guideline to BCE to ensure that the establishment of the fund respects the lean administrative approach requested in terms of annual costs.**
13. On Screen Manitoba welcomes the Commission's suggestion that the Participation Fund be designed in such a way that, in future and according to demonstrated effectiveness, the fund could be supported through annual BDU contributions or tangible benefits resulting from transfers of ownership or control. Conceiving of the fund as a permanent structure ensures that groups representing the public interest and consumer groups may make more effective and frequent contributions to the CRTC's proceedings on an ongoing basis. **On Screen Manitoba believes that the Participation Fund should be established with the intention that it remain permanent; however, On Screen Manitoba believes that any further contributions to the fund resulting from transfers of ownership or a system of contribution based on annual contributions from BDUs should in no way detract from any funds that might be awarded to the production of Canadian Content.**
14. **In summary,** On Screen Manitoba welcomes the establishment of an Canadian Broadcasting Participation Fund that will facilitate the effective participation of public interest and consumer groups in CRTC proceedings through the financial support of research and analysis and of costs related to representation. On Screen Manitoba congratulates BCE and PIAC on their rapid and effective response to the CRTC's directive regarding the fund; however, On Screen Manitoba urges the Commission to require:
 - a. that at least 1/3 of the directors of the Fund be bilingual and well-versed in issues relative to linguistic and cultural minorities in Canada;
 - b. that all communication by and with the Fund be possible in both official languages;
 - c. that the cost to establish the Fund respect the lean approach to administrative costs set out in the 5% rule; and

- d. that any future sources of revenue for the Participation Fund not be at the detriment of additional funding for independently produced Canadian Content.

15. On Screen Manitoba appreciates the opportunity to provide its comments to the Commission. A copy of this intervention has been provided to the applicants in accordance with the Commission's directives on procedure.

Sincerely,

[Original signed by]

Nicole Matiation
Executive Director, On Screen Manitoba

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