"TWO STEPS FORWARD, THREE STEPS BACK: CANADIAN BROADCASTING POLICY FROM CAPLAN-SAUVAIGEAN TO BILL C-136"

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It has been four years since Marcel Masse set up the Caplan-Sauvilleau Task Force on Broadcasting Policy, four years during which the public discussion of broadcasting has generated tens of thousands of pages of official documents and consumed several million dollars in public funds. Yet, as this was being written during last fall's federal election campaign, the public debate had yet to translate into anything as concrete, albeit general, as a piece of legislation reflecting the points of consensus that had emerged.

The policy review set off by Caplan-Sauvilleau was situated in the following international context: Around the western/industrialized world, broadcasting as a social activity in the public sphere was under attack. Inflation and restrictions on government spending had eroded the traditional financial base of public broadcasting. At the same time, the introduction to the marketplace of new media designed for commercial uses stimulated private industry to new heights of aggressive promotion of its interests, while creating a consumer demand based on new modes of consumption. By 1985, major public broadcasting institutions in all the western countries—creatures of an earlier technological and socio-political context—were also suffering an identity crisis as they became less and less able to satisfy their publics, increasingly fragmented and self-identifying by interest group rather than national collectivity. Finally, the technical impossibility of governments maintaining their monopolies (in the case of many European countries, for example) undermined the political usefulness of the media in their eyes, which combined with the other factors to favour a shift towards privatization.

The Canadian situation fit neatly into this logic. The recent evolution of Canadian policy had clearly placed economic considerations in priority over cultural questions (notably Canada, DOC, 1983), and the election of a Conservative government in 1984 put people in power who appeared prepared to carry that policy forward, or backward, as the case may be.

Amid unprecedented cutbacks in the budget of the CBC and a wave of rhetorical effluent in support of an expanded private sector, the government announced a full-scale review of Canadian broadcasting policy and named a ministerial task force to make recommendations. In September 1986, the task force reported, and in fact reaffirmed the traditional basis of Canadian broadcasting—that Canadian broadcasting is an essentially public service, made up of different sectors. The task force
recommendations, while of course tailored to the specific demands of the moment, generally flowed from this fundamental principle, and appeared to have the support of public opinion.

The Caplan-Sauvageau report is 730 pages long and was based on more than 50 research reports. More than 350 groups made representations to the task force, either submitting briefs, meeting with the task force in private, appearing at public meetings with the task force, or some combination of the above. Its work generated several dozen cases of documents, currently lodged in a National Archives of Canada depot where only a handful of DOC employees can reach them without going through cumbersome access to information procedures.

The task force report was referred to the House of Commons Standing Committee on Communications and Culture, which held several rounds of public hearings over a year-and-a-half, and received oral or written testimony from about 260 groups. Of course, many of these groups were the same as those that petitioned Caplan-Sauvageau, but then, many were new arrivals. The parliamentary committee generated thousands of pages of verbatim transcripts and briefs. Its 429-page report appeared in June 1988.

In parallel to all of this, the CRTC since 1985 held lengthy hearings on the introduction of specialty television services, sexual and ethnic stereotyping in broadcasting programming, renewal of CBC (and many other) radio and television station and network licenses, new regulations for radio, television and cable undertakings, and a number of important property transactions. The specialty license hearings alone lasted three weeks and involved 21 applicants and 61 appearing intervenors, as well as 1,800 written interventions.

A few days after the parliamentary committee tabled its final report, Flora MacDonald published her 62 page broadcasting policy statement, Canadian Voices Canadian Choices (1988), and introduced Bill C-136, the proposed new Broadcasting Act. The bill was promptly referred to a legislative committee, which held eleven days of hearings attended by 33 intervenors (thanks to its decision to restrict interventions to groups solicited by the committee itself). This round of consultations was perhaps the most meaningful in terms of real, immediate influence: the intervenors were by now well-honed, the guest list was limited to the high-rollers of Canadian policy lobbyists, and it met as the Mulroney government was anxious to create the impression of wanting to legislate broadcasting policy changes before the end of its mandate.

The legislative committee and the minister between them generated 92 amendments to Bill C-136, but the debate did not end there. When the bill returned to the House on September 14, opposition critics took to the floor and introduced further amendments. Debate proceeded for nine working days, before the bill was adopted (with Liberals and New Democrats voting nay) in the dying hours of Canada's 33rd
Parliament (The debate's contribution to Hansard: 134 pages). It was of course all in vain, as before the bill could reach the Senate Brian Mulroney asked the governor-general to dissolve Parliament and call an election.

Astonishingly, in view of all that had gone before, the national media paid utterly no attention to the final stages of the broadcasting policy debate. Consequently, one had to do as I did, take the initial copy of the bill, the amendments, the Hansard version of the debate, and the final version of the bill as adopted at third reading, and compare them. Doing so, one learns some amazing things. For example, according to Article 3 of the final version of Bill C-136, Canadian broadcasting should (among many other things):

"through its programming and the employment opportunities arising in its operations" serve the needs and interests of all Canadians:

- include "educational and community programs";
- "enlighten", as well as inform and entertain.

The CBC in particular should:

- serve the special needs of Canada's regions;
- "strive to be of equivalent quality in English and French";
- "be reflective of the multicultural nature of Canada".

All of these examples found their way into Bill C-136 as amendments inspired by the insistence of public interest lobby groups.

Now in spite of these innovations, the parliamentary opposition voted against the final version of Bill C-136, partly in the spirit of pre-election fever, but also because of the bill's remaining flaws. Critics of the bill argued, for example, that it did not provide adequate protection against the future (and as yet unclear) implications of the free-trade deal for the broadcasting sector. Also, the highly contested provision which would allow the government to "direct" the CRTC on matters of policy, was only partially attenuated in the final version.

The point is to underscore that while this was far from a perfect piece of legislation, it reflected, especially in the general terms of Article 3, the reward of years of effort for recognition and inclusion in the Canadian broadcasting system by women's groups, native people, community and educational broadcasters, independent
producers, and the panoply of cultural groups that make up Canada as we know it. Many of these groups remain dissatisfied with the legislation and would not have endorsed its adoption; others would on strategic grounds. Again, the point is not to argue for or against Bill C-136—a purely hypothetical exercise at this point at any rate—but to take note of a more serious institutional problem: how to make broadcasting policy begin to approach the hopes, aspirations and fundamental rights of the community of publics that it is deemed to serve.

A thorough examination of the migration of policy proposals from Caplan-Sauvageau to Bill C-136 is an extremely fastidious venture. At this point, I shall beg the reader's forbearance in asking her/him to consider the aforementioned examples as not only representative but significant.

Elsewhere I have made the argument that failure to open up the Canadian broadcasting system to increased public participation at every level has been a more serious problem than the generally cited one of foreign content on our screens (Raboy, 1987). A number of mechanisms for turning this around were proposed in the Caplan-Sauvageau report, although they were couched in the traditionally narrow perspective of cultural nationalism that has characterized the discussion of broadcasting policy in Canada for 60 years.

The most interesting thing about the Task Force Report was its implicit undermining of the myth that Canadian culture could only be promoted by strong central agencies under exclusive control of Ottawa. This did not attract as much attention as its call for "Canadianization", but the idea that the sociocultural objectives of Canadian broadcasting could be met by multiplying the points of entry to the system was the most significant, surely the most progressive and innovative, aspect of the report.

The Caplan-Sauvageau Report legitimated the various hitherto marginal forms of broadcasting—community, provincial, native—as tools of social development, and argued for their recognition in law. After being resisted, first by the parliamentary committee, then by the minister in the first version of Bill C-136, and to a lesser degree by the legislative committee, many of these recommendations actually found their way by hook or by crook into Article 3 of the final version of the law.

A different fate greeted the Caplan-Sauvageau recommendations for humanizing and opening up CRTC procedures, for example by establishing a "public advocate" in each region, "to oversee public participation and represent the public interest at licence renewal hearings" [p. 180]; or by providing funding for citizens' groups interested in monitoring broadcasting. None of these made it into Bill C-136.

The point of everything I have said up until now is this: dozens of organizations, hundreds of serious individuals, have invested thousands of hours and countless unquantifiable volumes of energy in the policy-making process over the past four years.
Important victories were won, at the level of principle. In fact, I suspect that if a polling organization asked the right questions, it would probably find that public opinion actually believes the battle for an expanded, revitalized, more liberal, more humane and human-serving public broadcasting system has been won—and supports it.

But in the real world of broadcasting industry—as opposed to the make-believe one of policy proposals—this is what has actually happened:

While the policy debate droned on, the Canadian broadcasting system continued to evolve without any of the necessary new checks required by the new context. The CRTC completely rewrote its radio, television and cable regulations, and declared it would henceforth take a "supervisory" approach to its task, relying on industry to adopt measures of "self-regulation". Public broadcasting continued to suffer budgetary constraints, not only at the national level, but among provincial and community broadcasters as well. In the private sector, the concentration of ownership among a shrinking handful of giant corporations rose to a new height, in the name of the need to be competitive on a global scale. New "specialty" television services were licensed for cable distribution, amid waves of controversy surrounding the proposed funding and programming formulas. All the while, the Americanization of Canadian broadcasting continued apace.

The worst part about this is that none of it was really new. The gap between broadcasting policy and practice in Canada has been widening for sixty years, ever since Sir John Aird and his colleagues proposed a blueprint that was promptly mashed out of shape, and has since been misquoted, perverted for political purposes and otherwise ignored. Indeed, the Report of the Royal Commission on Radio Broadcasting (1929) and its destiny has been the model for Canadian broadcasting policy-making down through the years.

In a paper written nearly two years ago but only recently published (Raboy, 1988), I wrote: "There is a consensus on one point: new legislation is long overdue. But broadcasting legislation is always long overdue in Canada, a result of the difficulty of reconciling sociocultural objectives of mythical stature, a historically deep-rooted vision of 'Canada' as a place to do business, and a stubborn public which insists on aggravating the due process of technocracy by repeatedly calling up the contradictions between rhetoric and reality."

I wrote then, and I believe now, that "Policy-making in Canada has never been as political as it is today, and there has never been a greater need to bring the process closer to the people".

As Canada moves towards the 1990s, the broadcasting policy framework is as muddled as ever, the decisional process is becoming less and less accessible, and the choices waiting to be made have never been so clear.
Endnotes

1. The point of this and subsequent paragraphs is to emphasize that the policy-making process in this crucial area of social existence has become so complex that it eludes the capacity of ordinary people leading ordinary lives to have any meaningful input. Even the most obsessive policy debate junkies can no longer keep up with all developments. Monitoring broadcasting policy-making in Canada is an activity in which interested parties can afford to follow only the most narrowly-defined area that concerns them, and even then at great cost.

2. CRTC public hearings generate about 300 pages of transcripts per day. Copies of transcripts, at $1.50 per page, can be obtained only through the private company that holds the exclusive copying rights by contract with the CRTC. This may be a reasonable price for industrial concerns, but needless to say, it is discouraging to your average public interest group. On the other hand, it must be pointed out that the CRTC has been extremely cooperative in helping researchers find their way through the labyrinth of paper that its procedures habitually produce.

3. Although it promises to be highly instructive. We are currently doing such a comparison in the course of a research project at Laval.

REFERENCES


Canada, Department of Communications (1983). Towards a New National Broadcasting Policy (Ottawa: Minister of Supply and Services Canada).


