



Broadcasting Decision CRTC 2004-23

Ottawa, 21 January 2004

Group TVA inc.
Across Canada

*Application 2002-0940-5
Public Hearing in the National Capital Region
26 May 2003*

Le Canal Nouvelles – Licence renewal

*In this decision, the Commission **renews** the broadcasting licence for the specialty television service known as *Le Canal Nouvelles*, from 1 March 2004 to 31 August 2010. The details regarding the licensee's specific proposals for the new licence term, and the conditions of licence and other obligations determined by the Commission are set out below.*

The application

1. The Commission received an application by Groupe TVA inc. (TVA) for the renewal of the broadcasting licence for the national, French-language specialty television service known as Le Canal Nouvelles (LCN).
2. The Commission's general analysis with respect to its consideration of this and other applications heard at the 26 May 2003 Public Hearing for the licence renewal of specialty television services is set out in *Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27 renewing the licences of 22 specialty services*, Broadcasting Public Notice CRTC 2004-2, 21 January 2004 (Public Notice 2004-2).
3. The Commission received 45 interventions in support of LCN's licence renewal application and one intervention raised concerns regarding LCN's reflection of cultural diversity. These concerns are discussed below.
4. Other interveners raised general concerns related to all of the specialty television licence renewal applications considered as part of this public process. These concerns are discussed in Public Notice 2004-2.

5. On the basis of its review of this licence renewal application and having considered the interveners' comments, the Commission **renews** the broadcasting licence for Le Canal Nouvelles, from 1 March 2004 to 31 August 2010.¹ The licence will be subject to the conditions specified therein and to the conditions set out in the appendix to this decision.

Independence of LCN's newsroom

6. In accordance with *Transfer of effective control of TVA to Quebecor Média inc.*, Decision CRTC 2001-384, 5 July 2001, the Commission notes that LCN is subject to a code of professional conduct designed to ensure the independence and autonomy of TVA's newsrooms.

Regional reflection

7. The licensee stated that it relies on the co-operation of its CTV and Global partners to provide it with material for LCN's reports on national affairs and on regions of Canada outside Quebec. The Commission expects the licensee to ensure that the programming aired by LCN reflects all Canada's regions.

Cultural diversity, employment equity and on-air presence

8. As stated in Public Notice 2004-2, the Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect Canada's ethno-cultural minorities and Aboriginal peoples. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

Interventions

9. In its intervention, the Centre for Research-Action on Race Relations (CRARR) pointed to the lack of racial and cultural diversity in the on-air presence of journalists on LCN. The CRARR contended that the Commission should impose quantitative requirements on LCN in this regard, in addition to qualitative ones. The intervener also submitted that the Commission should impose a condition of licence requiring LCN to file annual reports so as to better measure its progress with regard to cultural diversity.

The Commission's analysis and conclusion

10. Pursuant to section 5(4) of the *Broadcasting Act*, the Commission does not regulate or supervise matters concerning employment equity in relation to broadcasting undertakings with more than 100 employees as they are subject to the *Employment Equity Act*. However, the Commission continues to regulate matters such as on-air presence.

¹ In *Administrative renewals*, Broadcasting Decision CRTC 2003-290, 21 July 2003, the Commission granted a six-month administrative renewal to Le Canal Nouvelles, from 1 September 2003 to 29 February 2004.

11. The Commission expects the licensees of specialty television services to ensure that the on-air presence of members of the four designated groups (women, Aboriginal persons, persons with disabilities and members of visible minorities) is reflective of Canadian society, and that members of these groups are presented fairly and accurately.
12. The Commission notes the licensee's weak performance with regard to the on-air presence of members of the designated groups and expects the licensee to take steps to rectify this situation.
13. During the current licence term, the licensee filed a corporate cultural diversity plan with the Commission setting out specific commitments relating to corporate accountability, reflection of diversity in programming, and community involvement as they relate to presence and portrayal of cultural diversity. The Commission expects the licensee to meet the commitments made in this regard in its corporate diversity plan. With regard to the concerns raised by the CRARR, the Commission also expects the licensee to clearly state in its annual reports on cultural diversity the steps that it has taken in this area, so as to facilitate evaluation of its progress.
14. As discussed in Public Notice 2004-2, the Commission further expects the licensee to incorporate persons with disabilities into its cultural diversity corporate planning and to ensure that this is reflected in its annual reports on cultural diversity, beginning with the report to be filed in December 2004.

Service to persons who are deaf or hard of hearing

15. The Commission is committed to improving service to viewers who are deaf or hard of hearing, and has consistently encouraged broadcasters to increase the amount of closed captioned programming they broadcast. The Commission generally requires all broadcasters to offer a minimum percentage of closed captioned programs consistent with the nature of their services. The closed captioning requirement currently imposed on all French-language services is less than the 90% level generally required of English-language services. This is in recognition of the significantly greater challenges involved in captioning French-language programming.
16. In the context of LCN's licence renewal application, the licensee made a commitment to caption at least 80% of its programming beginning in the first year of the new licence term and to increase this percentage to at least 90%, beginning in the fifth year and for the remainder of the licence term. The licensee added that it would accept a condition of licence setting a minimum captioning level of 90%, beginning in the sixth year of the new licence term.

17. Consistent with this commitment and with the Commission's general approach for French-language services, the Commission is imposing a **condition of licence** requiring the licensee to close caption at least 90% of all programming aired during the broadcast day, beginning not later than 1 September 2008. The condition of licence is set out in the appendix to this decision. In addition, the Commission expects the licensee to increase the percentage of closed captioned programs in accordance with its commitments, to at least 80% in the first year of the new licence term, and to at least 90% beginning in the fifth year.
18. The 90% obligation is based on the recognition that requiring 100% captioning at all times, by condition of licence, may not be reasonable. Thus, the obligation is designed to provide some flexibility to cover unforeseen circumstances (such as late delivery of captions, technical malfunctions, or the lack of availability of captions for programs acquired outside North America), or programming where captioning may not be feasible, such as third-language programming.
19. The Commission expects that, during the new licence term, the licensee will focus on improving the quality, reliability and accuracy of its closed captioning, and work with representatives of the deaf and hard of hearing community to ensure that captioning continues to meet their needs.

Service to persons who are blind or whose vision is impaired

20. The Commission is committed to improving the accessibility of television programming for persons with visual impairments through the provision of audio description² and video description (also known as described video).³
21. The Commission notes the steps the licensee has taken during the current licence term to provide improved access to viewers who have visual impairments. Since all LCN's programming consists of news bulletins, the licensee indicated that LCN is a predominantly verbal service where the images serve to illustrate the words being spoken by the newsreader or the journalist/reporter. With regard to the audio description of visual elements, the licensee stated that it is common practice for its newsreaders and journalists to provide voice-over readings to accompany the surveillance information, sports results, and other visual elements that LCN airs. The licensee added that it intends to continue this practice during the new licence term.
22. The Commission notes that news services have a particular responsibility with regard to audio description. The Commission expects that, during the new licence term, the licensee will:

² Audio description involves the provision of basic voice-overs of textual or graphic information displayed on the screen. A broadcaster providing audio description will, for example, not simply display sports scores on the screen, but also read them aloud so that people who are visually impaired can receive the information.

³ Video description, or described video, consists of narrative descriptions of a program's key visual elements so that people who are visually impaired are able to form a mental picture of what is occurring on the screen.

- provide audio description, wherever appropriate; and
- take the necessary steps to ensure that its customer service responds to the needs of viewers who have visual impairments.

Compliance with industry codes

23. In accordance with its usual practice for specialty television services, the Commission is imposing **conditions of licence** requiring the licensee to adhere to industry codes related to sex-role portrayal, advertising to children, and the depiction of violence in television programming.

Secretary General

This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined at the following Internet site: <http://www.crtc.gc.ca>

Appendix to Broadcasting Decision CRTC 2004-23

Conditions of licence

1. (a) The licensee shall provide a national French-language specialty television service, with programming that must be drawn exclusively from the following categories, as set out in section 6 of Schedule I of the *Specialty Services Regulations, 1990*, as amended from time to time:

 - 1 News
 - 3 Reporting and actualities
 - 12 Interstitials
 - 13 Public service announcements
- (b) Subject to 1(d), the licensee shall maintain a “headline news” format presented in a continuously-updated fifteen minute wheel.
- (c) Subject to 1(d), in any broadcast week, no fifteen-minute period shall elapse without the broadcast of a headline news segment of a minimum of two minutes duration (excluding commercials). The headline news segment must contain a comprehensive news bulletin that includes such programming elements as news, weather, sports and business reports.
- (d) The licensee shall be deemed to be in compliance with this condition provided there are no more than 25 occurrences, during any broadcast week, in which more than 15 minutes elapse without the broadcast of a headline news segment, as described in 1(c). For the purposes of assessing compliance with this requirement, each 15-minute period that elapses without the broadcast of such a headline news segment shall count as a separate occurrence.
- (e) During any occurrence in which more than 15 minutes elapse without the broadcast of a headline news segment, the licensee must provide an onscreen display of the headline news items.
- (f) For the purpose of this condition, a “broadcast week” shall be defined as the period of seven consecutive broadcast days, beginning on Sunday.
2. The licensee shall devote the entire broadcast year to the distribution of Canadian programs.
3. (a) Subject to subsection (b), the licensee shall not distribute more than twelve (12) minutes of advertising material during each clock hour.

- (b) Where a program occupies time in two or more consecutive clock hours, the licensee may exceed the maximum number of minutes of advertising material allowed in those clock hours if the average number of minutes of advertising material in the clock hours occupied by the program does not exceed the maximum number of minutes that would otherwise be allowed per clock hour.
 - (c) The licensee shall not distribute any paid advertising material other than paid national advertising.
4. The licensee shall charge each exhibitor of this service a maximum wholesale rate of \$0.30 per subscriber per month when distributed as part of the basic service.
 5. The licensee shall provide closed captioning for not less than 90% of all programs aired during the broadcast day, beginning not later than 1 September 2008.
 6. The licensee shall adhere to the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Sex-role portrayal code for television and radio programming*, as amended from time to time and approved by the Commission. The application of the foregoing condition of licence will be suspended as long as the licensee remains a member in good standing of the Canadian Broadcast Standards Council (CBSC).
 7. The licensee shall adhere to the provisions of the CAB's *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
 8. The licensee shall adhere to the guidelines on the depiction of violence in television programming set out in the CAB's *Voluntary code regarding violence in television programming*, as amended from time to time and approved by the Commission. The application of the foregoing condition of licence will be suspended as long as the licensee remains a member in good standing of the CBSC.

For the purpose of these conditions, the term "broadcast day" shall mean a 24-hour day commencing at 6:00 a.m. each day, or any other period approved by the Commission; the terms "broadcast year" and "clock hour" shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*; and "paid national advertising" shall mean advertising material as defined under the *Specialty Services Regulations, 1990* and that is purchased at a national rate and receives national distribution on the service.