

Kealy Wilkinson, “In the Footsteps of Spry, Plaunt, Fowler & Juneau: Creating New Broadcasting Legislation for Canada Rebooting Canada’s Communications Legislation, A conference to examine changes to Canada’s broadcasting and communications legislation (Ottawa: May22-23, 2015), Session #=2: Window to the World, Mirror for Ourselves – socio-cultural objectives of contemporary communications legislation

We have been asked to respond to the query, “Should broadcasting and telecommunications serve the interests of Canada and Canadians? If so, how?”

Such expertise as I possess lies almost exclusively in the area of broadcasting and my answer to this first question must be “Yes!” If not us, then who?

Responding to the second question, however, will require an uncharacteristic exercise of discretion ... because we find ourselves still being guided by the 1991 Broadcasting Act. The result? At a time when technology is evolving daily, we are expecting the CRTC to regulate with policy and tools designed for what amounts to the ‘dark’ ... the pre-internet ... age.

For our broadcasting system to remain healthy – let alone competitive in what is now a global entertainment environment – would have required a degree of legislative adaptability that Canada has never enjoyed. The result has been nothing short of disastrous so let me now articulate what you may consider unthinkable – possibly even indefensible:

Our Canadian Content regulations and the related support structures (like the CMDF, Telefilm Canada, the CMF and various provincial tax credit schemes) that emerged as ancillary but essential components to our broadcasting legislation ... all this effort over decades has been responsible for creating an English-language production industry that is unsustainable in a contemporary, globalized entertainment environment.

There’s all the right rhetoric in the various iterations of our broadcasting legislation – 1958, 1968 and 1991 – and the reports of so many Royal Commissions and Special Committees. So how did we go so wrong?

Following the Bread Crumbs ...

In the 1950s and 60s, our independent production infrastructure was almost non-existent and what there was usually was closely linked to favoured clients (a.k.a. TV broadcasters, for whom programs/series were developed to complement their schedules).¹ And for a long time, Canadian production remained limited because, given the economics of Canadian television, it was (and remains) far cheaper to buy US programs than to create our own.

With the 1968 Broadcasting Act and some activist thinking on the part of Pierre Juneau, Harry Boyle and their colleagues at the CRTC, supported by federal policy instigated by Secretary of

¹ For example, Glen-Warren Productions was the ‘in-house’ producer for Toronto’s Baton Broadcasting (CFTO-TV), Carleton Productions for Ottawa’s CJOH-TV, and Champlain Productions for Montreal’s CFCF-TV.

State Judy LaMarsh², it was deemed important that Canada's emerging broadcasting system – radio and TV, English and French, should begin to play a major role in reflecting Canada to Canadians.

You probably all know the language of the 1991 Act by heart so, for some context, here is the essential policy nugget of the Broadcasting Act of 1968 in which the deft hand of the eloquent Henry Hindley is recognizable:

It is hereby declared that

(a) broadcasting undertakings in Canada make use of radio frequencies that are public property and such undertakings constitute a single system ... comprising public and private elements;

(b) the Canadian broadcasting system should be effectively owned and controlled by Canadians so as to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada;

(c) ...the right to freedom of expression and the right of people to receive programs in unquestioned;

(d) the programming provided by the Canadian broadcasting system should be varied and comprehensive and should provide reasonable, balanced opportunity for the expression of differing views on matters of public concern, and the programming provided by each broadcaster should be of high standard, using predominantly Canadians creative and other resources

(f) there should be provided, through a corporation established by Parliament for the purpose, a national broadcasting service that is predominantly Canadian in content and character;

(g) the national broadcasting service should

(i) be a balanced service of information, enlightenment and entertainment for people of different ages, interests and tastes covering the whole range of programming in fair proportion,

(ii) be extended to all parts of Canada as public funds become available,

(iii) be in English and French, serving the special needs of geographic regions and actively contributing to the flow and exchange of cultural and regional information and entertainment, and

² In later years, this interest would be personally sustained by Secretaries of State and Ministers of Communications like Gérard Pelletier, Hugh Faulkner, Francis Fox, Marcel Masse, Flora MacDonald, Perrin Beatty and Sheila Copps.

(iv) contribute to the development of national unity and provide for a continuing expression of Canadian identity;

(h) where any conflict arises between the objectives of the national broadcasting service and the interests of the private element of the Canadian broadcasting system, it shall be resolved in the public interest but paramount consideration shall be given to the objectives of the national broadcasting service.³

At the time, this design for Canada's National Public Broadcaster generated considerable public interest and support. Its impact is obvious in the comments made by the CRTC Chair, Pierre Juneau, in a speech to the Canadian Club in Toronto, on 24 February 1972. At that time, the Commission was just beginning to confront looming technological changes (in the form of cable TV) – and the opportunities it might offer to enhance Canada's cultural landscape. In a compellingly titled address⁴ Juneau noted that:

To preserve and develop our ability to create and produce our own imagery is something we cannot do without. **To enable ourselves to see everything, including ourselves, through our own eyes and our own systems of production and diffusion, will require a long and persevering effort.** (*Emphasis added.*)

Canadian content percentages for radio and television programming were defined⁵ and it was obvious that, if these requirements were to be met in television, well-capitalized and capable production companies would be required.

Our rather miserable record in English-language film didn't bode well and it was clear the process would require both time and financial support to develop the necessary skilled infrastructure. In the intervening decades, lots of efforts have been made (including the Canadian Film Development Fund, Telefilm Canada, the Canadian Media Fund, and various provincial tax credit programs) – but, in the largely commercial world of Canadian television, none has been able to defeat **the natural domestic broadcast incentive to produce as little Canadian programming as possible.**

Decades later, little has changed. In 2013, of the \$2.7 billion spent on Canadian television programming, only 16 percent was directed to programs of national interest, i.e. drama, comedy and documentary.⁶ For a glance at where much of this program investment is currently directed, see Appendix A which lists Canadian programs on selected specialty channels in a recent week.

³ *Broadcasting Act*, R.S.C. 1970, c.B-11.

⁴ *The Right to See Everything ... Including Ourselves*, Pierre Juneau. The Empire Club of Canada Addresses (Toronto, Canada), 24 February 1982, pp. 262-280.

⁵ Our traditional approach to supporting the development of Canadian content and its availability to Canadians was based on the scarcity of spectrum – the limited availability of radio frequencies. To receive a licence that permits usage of assigned spectrum space, a broadcaster must be licensed by the CRTC. As a quid pro quo, the Commission requires that broadcasters must adhere to Canadian content regulations that define the minimum levels of spending on Canadian programs and the number of hours in which they must be aired.

⁶ Manuscript of *Canada Lives Here*, by Wade Rowland, p. 46. To be published in August 2015, Linda Leith Publishing, Montreal.

While legislation paid lip-service to the idea of ‘reflecting Canada to Canadians’ – the regulatory process had little real clout and, for the most part, year after year, decade after decade, broadcasters at best – and begrudgingly - delivered only the bare minimum. It became an assumption that this was the best Canada could do.

So we have made that long and persevering effort to which Mr. Juneau exhorted us... but after 43 years it has not worked, probably because no one wanted to acknowledge that we have been trying to push square pegs into round holes.

The more long-in-the-tooth among us learned that lesson from the late, legendary and unabashable John Bassett. In 1979, he refused to accept that the CRTC had the right to demand that CTV step up its Canadian content by adding some drama to its prime time schedule. With his usual flair – and the able assistance of Eddie Goodman - he appealed the decision to the Federal Court, then to the Appeal Division and finally to the Supreme Court where his arguments were finally rejected in April, 1982.

When I asked John why he didn’t just ‘make nice’ and do the odd bit of Canadian drama here and there, he pointed out that what he was saving in investment each year could be directed right into shareholders’ pockets. Even if he didn’t win in the end, he said, the years of ‘savings’ would have been well worth it. And it became clear that private broadcasting is really just another business. Despite the assumptions in legislation, its supposed public service function is a myth.

For this I’m not faulting Bell or Shaw or Rogers. They know their business and do it well. But it’s time we stopped pretending they’re committed to anything other than a healthy return on investment. In English Canada it’s time we looked elsewhere for achievement of the serious cultural objectives that broadcasting – especially television – can reasonably be expected to achieve.

Where We’re At ...

Big John’s successors, Cope, Crull et al at BCE understand the game well. The push for convergence and its other manifestation, concentration of ownership, was proof that they ‘got it’. And, having seen the writing on the wall and acted on it, they now want to ease out of broadcast television.

During their appearance before the Commission during last September’s Let’s Talk TV hearings, Bell’s representatives were forthright⁷ about the financial facts of life in conventional Canadian television: It’s making less and less money for them (despite the truly meagre percentages they

⁷ “The existing business model for these services is simply unsustainable. Despite investing about \$2 billion each year, ... conventional TV as a whole, as an industry, would have only been marginally profitable in one out of the last five years. Our 30 local TV stations at CTV and CTV2 together employ 2,060 Canadians and last year we actually had costs of operating these channels of \$721 million against the ability to generate revenue of only \$709 million, producing a loss of \$12 million.” Transcript of Let’s Talk TV Hearing, 10 September 2014, found at <http://www.crtc.gc.ca/eng/transcripts/2014/tb0910.htm>.

actually pay as program licence fees⁸) and, with more attractive options now available, Canadian viewers are turning away from second- or third-rate programming on OTA and specialty channels.

This move should have come as no surprise. It was predicted

No broadcaster, producer or programmer leads any of the BDUs who currently control all of Canada's television networks – so their response to the audience dilemma doesn't naturally encompass improving program choice and quality. That would take money from the bottom line. In fact, they're moving into another business: the business of streamed delivery where they can capitalize on ownership of the pipes and keep their revenues high in **the absence of download speed standards or rate regulation.**

The result: Canadians get short-changed again – domestic program choice and quality in primetime is perceived to be declining (while increases in the cost of access well outstrip the COL) and OTT⁹ is rapidly becoming the better option. And, by OTT, I don't mean CRAVE and SHOMI who together reach only about 1 million Canadian households.¹⁰ Their current (and likely short-term) appeal rests mainly with the US series to which the Canadian networks currently hold licences but they lack access to much of what makes foreign OTT options so attractive.

The fact is that the current model for licensing foreign programming for Canadian distribution no longer works because the principle of exclusivity is made inapplicable by online delivery. And a further complication: if a subscriber elects to play by existing Canadian rules, they must buy all

⁸ As veteran broadcaster Bruce Steele explained the process in communication with the author,

With very few exceptions, Canada's independent English language film and television producers must seek a large number of broadcast, financial and production partnerships to fund their projects. That necessitates going into the international television marketplace, to television and media festivals where many "second and third window" licences for any given project can be sold, before it can be produced.

Such global marketing necessitates that the proposed content appeals to the widest possible audience and offers the highest possible return to investors. That in turn means it must be culturally homogeneous in nature ... and that narrows the possibilities to dramas (police procedurals, mystery, fantasy, etc.), "reality" series and franchises, sports and family specials

Projects that would be of specific interest to just a national audience (documentary and public affairs programs, series and specials, performance specials, etc.) seldom find financing.

The global orientation has even greater impact at the regional level. Other than newscasts, local network affiliates do not have budgets to produce programming or to pay for independently produced product. Nor does the network allot airtime for local stations to fill. The decentralized fiscal structure of the modern television business simply has no motivation to support low cost, low volume, narrow distribution, small profit regional interest content, and so, this level of service to the viewer has largely disappeared from our television screens.

All of this serves to explain why Quebec television remains so vibrant in the Canadian context. This small but enthusiastic alcove of French language audience is, for broadcast, cultural and advertising purposes, a nation unto itself. It cannot produce big budget series for international distribution, beyond a few French-speaking markets. And so it remains largely focused on the home front, insulated from the realities faced by rest of the increasingly globally-focused English-Canadian production system.

⁹ OTT refers to Over The Top, video programming received not from licensed broadcasting undertakings but from streaming services.

¹⁰ Kaan Yigit, quoted in *Made in Canada streaming services added to Apple TV*, Shane Digman in The Globe and Mail, May 4, 2015.

of SHOMI, CRAVE and Netflix Canada to get access to still less than what is provided by Netflix US. That situation is not sustainable.

And that's why breaching geoblocking protections and accessing Hulu or Netflix's international services or the BBC will continue to make sense for Canadian viewers.

Insanity, we are told, is defined as repeating the same action and expecting different results. If we haven't learned from more than 40 years of imperfect funding and reluctant carriage of Canadian TV production that little of it is going to (a) attract significant domestic audiences and, (b) much in the way of foreign sales, then we will continue to pour money down this drain – for as long as there are licensees around to take advantage of the process.

But the inevitability of radical change is reinforced by the fact that, on the Internet, scarcity of spectrum is not an issue and there is a vast amount of content available from all kinds of sources. Further, if CTV, Rogers and Shaw do what the LLTV hearings foreshadowed and begin to hand back licences, the nature of the game will have changed and there will be no policy recourse. The Government cannot force private broadcasters to remain on air.

As former CRTC Chair Konrad von Finckenstein noted in a speech a few years ago, “the control of access as a means of guaranteeing the supply of Canadian content is becoming outdated. In the future, if we want Canadian content in any media, we'll have to consider an increased role for support and promotion, **and a more innovative use of the public broadcaster to that end.**”¹¹ (Emphasis added.)

So let's turn to the exercise at hand.

“Should Canada's communications statutes be changed?” Our marching orders for this event advised that to justify the legislative status quo would require proof that the 1991 Act is meeting the objectives of Section 3. Certainly, lips are being served – as proof, you have only to scan the broadcasters' rhetoric contained in the transcripts of industry presentations at the Let's Talk Hearing¹² – but to pretend strong commitment to anything other than solvency and profit would be foolhardy.

Even at the most fundamental level, we must anticipate revision of current legislation, starting from 'square one' because the definition of 'broadcasting' has been distinguished from 'streaming' by John Roman who has explained its inapplicability and, therefore, why he believes it is currently *ultra vires* the Commission's regulatory power.¹³

¹¹ Konrad von Finckenstein, Speech to the 5th Annual Broadcasting Invitational Summit, Cambridge, Ontario, 5 May 2011.

¹² Found at <http://www.crtc.gc.ca/eng/transcripts/2014/index.htm#tb0626>.

¹³ The Definitions Section of the 1991 Broadcasting Act contains the following: “‘broadcasting’ means any transmission of programs, whether or not encrypted, by radio waves or other means of telecommunication for reception by the public by means of broadcasting receiving apparatus, but does not include any such transmission of programs that is made solely for performance or display in a public

It is my unhappy conclusion that our current system – a combination of private and public elements - has failed to serve the social-cultural objectives implicit in Section 3 of the Act. In 2015 and beyond, does maintaining the illusion make any sense at all?

I think not. Mr. von Finckenstein was right. It is probable that conventional private television has a limited future. Its viability has always depended on delivery of cheaply acquired foreign programming --- and now Canadian viewers are mastering alternative internet-based delivery mechanisms where little or no imperative to engage with domestic programming exists. It's past time to create broadcast legislation that takes into account the socio-cultural, technological and demographic realities of contemporary Canada.

In its no depleted future should, however, be assumed for or imposed on the national public broadcaster. We have long suspected and recent research has confirmed that “public broadcasters drive a virtuous circle by raising audience expectations of all broadcasters, requiring commercial broadcasters to invest in diverse, high-quality output and thereby further challenging PSBs to raise their game.”¹⁴

In his forthcoming study of contemporary Canadian broadcasting, Wade Rowland interprets the beneficial impact of a strong public broadcasting presence:

... the higher the approval ratings were for the PSBs, the higher they were for the commercial broadcasters' output, another indicator of a virtuous circle at work, in which commercial broadcasters strive to meet benchmarks established by the PSBs. Far from crowding out private enterprise, the healthy public broadcasters help to generate a strong market ecology in which both the PSBs and the commercial broadcasters are rewarded in audience numbers and appreciation and, for the commercial operators, in strong revenues.¹⁵

There is no evidence that the reverse holds true. Should private OTA broadcasters wither, there is no necessary imperative that a similar effect on the public broadcaster must follow.

If Canada is going to retain a vital production sector in our majority languages of French and English, the future of Canadian programming will rest with public broadcasting and/or some form of streaming in a public space. For that to happen, however, we will need a radical restructuring of the national public broadcaster --- and not, I suggest, according to the concept

place. The relevant words in this definition are 'reception by the public' which itself is not defined therein. Streaming is not broadcasting because it is not reception by the public but rather to subscribers only. It is a specific request from a private client to a company and then from the company to a specific IP address and a specific computer program which requires a username and password. There is a computer 'handshake' which is used to authenticate the private nature of the interaction between streaming service and the customer. Thus distinguished, the 1991 Broadcasting Act does not apply to streamed content and therefore it presently lies outside the jurisdiction of the CRTC.” John Roman to the CRTC, 3 October 2014.

¹⁴ Public and Private Broadcasters Across the World - the Race to the Top found at: http://www.bbc.co.uk/aboutthebbc/insidethebbc/howwework/reports/bbc_report_public_and_private_broadcasting.html

¹⁵ Rowland, op.cit., p. 62.

implied in the Corporation's 2014 Strategy document, "A Space for Us All" which aims to be digitally everywhere with content of apparently uncertain quality.

We know how they got there: decades of underfunding and the confused leadership that has resulted have been widely documented and its problems have been the subject of discussion and debate for what seems like forever.

No solution will be found unless this hybrid construct – this national/regional/local, public/private, partly commercial service is eased out of its identity crisis, its role and functions clarified, and the anomalies of its bastardized existence resolved. While in an historical context, the CBC's commercial activity is comprehensible, it has had a parasitic impact on the Corporation's evolutionary prospects. The public regards it as expensive, but neither truly distinctive in its programming nor truly 'public' because of its commercial activity ... so the CBC's self-image and the public's expectations continue to diverge. For a national public broadcaster, this is a position of startling vulnerability."¹⁶

For the sake of clarity, please note that observation is not new. It was recorded in 1981.

Redefining Public Broadcasting in Canada

If we are to effectively reinvent the national public broadcaster as the Canadian standard of compelling, imaginative, high-quality programming in many genres ... the channels that Canadian viewers check out first (not, as now, when all else fails) ... then our new communications legislation has to make that possible. It needs to redefine our NPB – and here are a few ideas articulated by "PBC21", an energetic group of former broadcasting brigands who are convinced after three years of investigation that we CAN do better.

They begin with the key principles that a public broadcaster – ANY public broadcaster – must sustain, clearly defined by the World Radio and Television Council in May of 2000:

"Universality, diversity and independence remain ... essential goals for public broadcasting. To these three principles must be added a fourth, particularly important when the public broadcaster exists side by side with commercial broadcasting: **distinctiveness.**"¹⁷

When CBC-TV adopted the operational approach of the private sector where ratings and profit are the principal determinants of quality and success, it inevitably deformed the values that must underpin a public service. These days CBC-TV is anything but distinctive. And it is

¹⁶ *Towards a Contemporary CBC: the future role and financing of the National Public Broadcasting Service*, Department of Communications. Kealy Wilkinson, March, 1981.

¹⁷ *Public Broadcasting: Why? How?* World Radio-Television Council, UNESCO, May 2001, found at <http://unesdoc.unesco.org/images/0012/001240/124058eo.pdf>

struggling for survival, struggling to meet its public service mandate - with budgets that can sustain neither the quality nor quantity of distinctive original programming Canadians have the right to expect.

In order to reshape CBC/Radio-Canada into a contemporary national public broadcaster, we **must** update Section 3 and Part III of the current legislation.

In this regard, we could do worse than borrow from the six purposes identified for the BBC in its Royal Charter. Adapted to the Canadian reality, they become:

- a. Sustaining citizenship and civil society;
- b. Promoting life-long learning;
- c. Stimulating creativity and cultural excellence by using designated public funds as venture capital for creativity;
- d. Representing Canada, and the diversity of its regions and peoples;
- e. Bringing the Canada to the world and the world to Canadians; and
- f. Contributing to the building of digital Canada.

Every activity the national public broadcaster undertakes would then have to address one or more of these purposes.

The new Act would have to deal *inter alia* with the following issues, the first five of which would be addressed within the positioning section, the present Section 3:

- Affirming that the special role of the National Public Broadcaster is **to serve its audience as citizens** and that **it must be universally available** to facilitate equitable participation in the national life of Canada.
- Redefining the programming objectives of the National Public Broadcaster as development and delivery of **distinctive, compelling programming reflecting all regions of the country**.
- **Establishing performance expectations** of the services of the National Public Broadcaster through a Memorandum of Understanding with the Government of Canada or designated Federal agency, reviewable every five years, perhaps as part of the regular network license renewal process.
- **Eliminating all commercial activity** from the National Public Broadcaster's broadcast networks and its online services.
- **Updating the funding mechanism for the National Public Broadcaster** to ensure resources are predictable and sufficient to achieve the objectives defined in its contemporary mandate.

The remaining changes would be addressed in that part of the new legislation specific to the National Public Broadcaster:

- **Creating a more accountable and transparent Board**, distancing appointment of Directors from the Government-of-the-day through an arm's-length selection process based on qualification.
- Giving the newly constituted Board of Directors **the power to hire and dismiss the President/CEO**.¹⁸

In a nation as huge and diverse as ours, broadcasting has a key and critical function which veteran Canadian television producer Richard Nielsen has captured:

Unlike the internet, broadcasting is not about supplying a library to which the public has access. Broadcasting assembles a congregation. It is comparable to a concert hall or other meeting halls in our larger cities. Broadcasting is designed to provide a communal experience, an experience that helps build consensus by its very nature, a consensus that should impose the disciplines on [production] talent that ensure that its standards will be high enough to serve that function.

This suggests that web-based services, for all their convenience, cannot for the foreseeable future replace public service broadcasting as a tool for developing and enriching social solidarity.¹⁹

A New Structure?

A few suggestions about how the new national public broadcasting service could function to better serve Canadians: CBC News Network and RDI should become over-the-air (OTA) channels, delivered by transmitter - and, as long as the BDUs continue to function, also as priority services on them - devoted to News, Current Affairs and some documentary. As public channels with programming that covers the events of the day and is often live, they must be accessible without charge to all Canadians. Where CBC-NN and RDI are delivered by cable, satellite or to mobile devices, no additional subscription fee would apply and nor would their reception count toward calculation of data usage.

For the time being, the National Public Broadcaster would retain its existing television stations and its CBC-TV and R-C television networks to enable newsgathering and production throughout the country.

Entertainment programming, however, could eventually be packaged differently becoming a national all-Canadian streaming service. To preserve one of the essential characteristics of a national public service (i.e. that it must be universally available and free of additional charges), once introduced access to the national streaming service would not count toward the download caps imposed by the BDUs and access to it would be free-of-charge.

¹⁸ The above are all addressed in PBC21's Oral Presentation to the CRTC, 19 September 2014, found at <http://www.crtc.gc.ca/eng/transcripts/2014/tb0919.htm>

¹⁹ Richard Nielsen, "Broadcasting Policy Position Paper," unpublished, 2012 quoted in Rowland, op. cit., p. 118.

And its content?

Through constant, steady acquisition of hundreds of hours of programming annually from independent producers, the Public Broadcaster would gradually develop a national inventory of the full range of Canadian programming: drama, music, children's, comedy, variety, documentary, series and specials that, once produced, would be posted for lasting, protected, commercial-free access by Canadian viewers. It would commit to fully fund all contracted production at rates it could sustain. Rights to international sales would be retained by the producers to allow gradual development of a world-wide marketplace for quality Canadian programming.²⁰

In this process, CBC News Network and RDI would also become commercial-free with no advertising content interrupting their programs, allowing them to produce content based not on the sale of viewers to advertisers but on the quality and accuracy of their journalism.

Finding the Money

In such a commercial-free environment, the full cost of the national service would have to be covered by the Parliamentary appropriation²¹ – and that could easily be accomplished if Canadians were to increase their currently paltry contribution of \$29 per capita per year – or 9 cents a day. That's about a third of the average of what other countries contribute and is, frankly, an embarrassment for a G-8 country.

The simple answer is to gradually increase the annual Parliamentary appropriation to meet the world average – to \$87 a year. The result would be a budget for the NPB of about \$3 billion annually – of which 60% would be directed to English services with the traditional 40% funding the services of Radio-Canada.

In case that sounds like too large a Corporate budget, please note that simple inflationary increases in the years since 1990-91 would have resulted in a Parliamentary grant for 2013/14 of \$2 billion and prevented most of the slashing and burning that have been necessary just to keep the doors open at the CBC/Radio-Canada. We must bear in mind as well that it costs more to rebuild capacity than to simply maintain it and to revitalize our National Public Broadcaster will require years of investment.

²⁰ This concept was initially articulated by John Roman in his June 2014 submission to the Let's Talk TV hearing, and may be found at <https://services.crtc.gc.ca/pub/ListeInterventionList/Documents.aspx?ID=217667&en=2014-190&dt=f&lang=e&S=C&PA=b&PT=nc&PST=a>. It was further developed in discussion with the author.

²¹ In the alternative, as BDUs are becoming Canadians' system of choice for content-delivery and generating huge revenues, as Barry Kiefl has suggested, a single-digit levy on these revenues would fund an annual budget of about \$3 billion for the national public broadcasting service. See transcript of his appearance before the Senate Committee on Transport and Communications, April 2, 2014, found at <http://www.parl.gc.ca/content/sen/committee/412%5CTRCM/04EV-51304-e.HTM>

I am convinced that these numbers are possible. Not only would they replace revenue lost in past decades, but they would make feasible the re-development of the journalistic, creative, technical and management talent in French, English and aboriginal services that has been so badly eroded over decades.

The future envisaged here is one in which the National Public Broadcaster is resourced to harness the immense storage capacity and instant availability of digital media so that that audio and video programming can be produced, archived and made freely accessible, together with important textual materials. As Wade Rowland explains,

This means that the CBC ... can aspire to be not only a public broadcaster, but the nation's memory bank; a cumulative, continually expanding archive of Canadian culture, freely available everywhere, on demand, at minimal cost. This is an enormously valuable—and just plain enormous—undertaking, and it requires substantial capital and curatorial resources: a lot more money, people and equipment than are currently available ... at the CBC. It is not a role that any profit-seeking enterprise could be expected to take on, or to adequately fulfill, but it is a natural role for a public service institution like the CBC, mandated to inform, educate, and entertain its public with “all that is best in every department of human knowledge, endeavour, and achievement.”²²

Obviously, accepting these premises would require substantial re-writing of our Broadcasting legislation to reflect changes in the broadcasting environment, adoption of the necessary policy changes and dismantling of no longer useful funding support structures.

In many ways – and despite huge odds - Canada has emerged in the early decade of the 21st century as one of the world's most successful nations – with one of the world's most poorly resourced public broadcasters. In the complex contemporary environment, this country's need for an effective national public broadcaster has never been greater. Graham Spry, one of the original advocates of our system, reminded us that, “Without communication there is no society, whether it be a hive of bees, a troop of boy scouts, a bar association or a nation.”²³ That rule is immutable.

Remember too that in our society, every year some quarter of a million people join us to make their home in the northern half of North America. They need to learn about their new country, to understand and appreciate our values. Public radio and television play an important role in this process as the success with diverse audiences of shows like Vancouver's Early Edition, Toronto's Metro Morning, and Ottawa Morning demonstrate.

Communication – the sharing of ideas, concerns and entertainment among us all - is what our national public broadcaster was created to achieve. It has, however, been plain for years that the institution has been unable to fulfil a mandate designed decades ago in a system whose governing legislation was premised on the facts and technology of another age.

²² Rowland, op. cit., p. 121.

²³ *Culture and Entropy, a Lay View of Broadcasting*, Graham Spry. Royal Society of Canada, 1972.

It's within our power to re-invent a contemporary National Public Broadcaster to serve the unique needs of all Canadians for news, information, entertainment and enlightenment. Canada has the imagination, the resources and the technical mastery. What's required is simply the will to make it happen.

APPENDIX A

Canadian Programs on Selected Specialty Channels: Week of May 10, 2015

Discovery Canada

Canada's Worst Driver
Blood, Sweat and Tools
Jade Fever

History Television

Yukon Gold
Restoration Garage
Canadian Pickers

National Geographic Cda

Border Security

Bravo Canada

Flashpoint (2008)
Cold Squad (1998)
The Listener
Twice in a Lifetime (1999)
Missing
Saving Hope (2012)

Food Network

Chopped Canada
Food Factory
Bake with Anna Olson
Fresh with Anna Olson
Chef at Home
You Gotta Eat Here!

HGTV

Disaster Decks
I Wrecked My House
Disaster DIY
Leave It to Bryan
Carver Kings
Income Property
Open House Overhaul
Home Factory
Holmes Makes It Right

The Biography Channel

Cityline
The Canadians
Biography Canadian
Out There with Melissa DiMarco
Dussault Inc.
Extraordinary Canadians

Space

Inner Space
Scare Tactics
Stargate SG-1
Destination Infestation
Orphan Black
Inner Space: After the Black