



September 27, 2006

Ms. Diane Rhéaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario K1A 0N2

VIA Fax (819) 994-0218

Dear Ms. Rhéaume:

**Re: Broadcasting Notice of Public Hearing CRTC 2006-5, June 12, 2006;
Comments Filed by the Alliance of Canadian Cinema, Television and Radio Artists
(ACTRA)**

Please accept this letter as an intervention of the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA) in the matter of Public Notice CRTC 2006-5-1, Call for comments on a review of certain aspects of the regulatory framework for over-the-air television.

1. ACTRA requests that it appear before the Commission at the public hearing commencing November 27th, 2006. ACTRA will bring to this process the particular perspective of English-language performers and will comment on the regulatory framework for over-the-air television, particularly in respect of the obligation to ensure there is predominant use of Canadian content on the public airwaves and especially Canadian English-language drama.
2. ACTRA has represented the interests of professional performers working in the English-language media in every region of Canada for over 60 years. ACTRA's principal function is to collectively bargain on behalf of more than 21,000 members and others, whose performances in movies, television programs, sound recordings and digital media entertain, educate and inform Canadians and global audiences.
3. ACTRA is a founding member of the Canadian Coalition of Audio-visual Unions (CCAU). The CCAU has filed a joint submission in response to this call for comments. ACTRA jointly funded and contributed to the CCAU's submission and fully supports the findings in that submission. ACTRA has also contributed to all previous CCAU reports regarding the television drama issue and broadcasting policy. ACTRA's comments herein are supplementary to the CCAU submission which is attached hereto as an addendum.

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4. While ACTRA is pleased that the Commission has undertaken this public process to provide a much needed review of over-the-air television policy, ACTRA believes that it is important that the Commission not over look the human element. *The Broadcasting Act* is intended to benefit the people of Canada. While it is important that Canadians enjoy a wide variety of programming, it is equally important that Canadians also have access to Canadian dramatic programs written, directed and performed by Canadians.
5. The Commission should be mindful that the film and television industry in Canada generated 119,500 full-time equivalent jobs in Canada in 2004/05, including 46,000 full time jobs directly in film and television production (*CFTPA/APFTQ Profile 2006 Economic Report on the Canadian Film and Television Production Industry*). Canadian television was the largest segment of the film and television industry in 2004/05 accounting for 37% of total production.
6. The focus of this policy review must be to develop a television policy that will insure the continued growth of a domestic Canadian television industry that permits Canadian audiences to enjoy the best television programming that Canadian creators and performers have to offer.
7. The television production industry is markedly different from other manufacturing and service industries. Each Canadian film or television production begins as a unique venture, which must be developed and marketed as if it were a prototype.
8. Within this industry, a Canadian performer's life is a struggle. ACTRA members are all independent contractors. They are persons who run small businesses and who generally live financially precarious lives because of the insecurity and uncertainty of the film and television business.
9. Canada's professional performers have been living the negative impact of the CRTC's 1999 Television Policy. That Policy permitted Canada's private broadcasters to direct their expenditures for priority programming away from drama to less expensive programming. Cheap reality and magazine shows became broadcasters' favourite programming. When combined with the new regulatory rules introduced in 1999, a "perfect storm" was created.
10. As the CCAU brief shows, the result was a precipitous decline in Canadian drama on the schedules of private broadcasters. Without spending and scheduling regulations, Canada's private broadcasters turned away from domestic drama and instead relied on less expensive programming to satisfy priority programming quotas.
11. That decline is still in evidence today. In Toronto, there has been a substantial reduction this spring and summer in off-shore film and television production which now exposes just how little domestic television production actually remains. The fallout is that all creative and technical support suffers. Small businesses fail and larger businesses that are dependant on the television industry must reduce their costs. Creators and performers move to the United States for work or abandon their craft. The net loss to Canada is that the television sector of the cultural industries is reduced in size as well as in talent.

12. Canada's professional performers also believe that Canada's broadcasters should be required to devote resources to marketing Canadian drama and scheduling those dramas in secure time slots so that they can find and retain audiences. From that base, a Canadian star system might be developed.
13. Quality dramatic programming featuring performers that develop audience recognition is the key to building audience loyalty. It has been remarked that drama programming is the most compelling and most watched programming. The audience draw to such American drama series as *24*, *Lost*, *Desperate Housewives*, the *CSI*'s and the *Law and Order* series is evidence that audiences return to these dramas on a weekly basis because the audience identifies with the characters developed and portrayed by performers.
14. The absence of a Canadian star system in English-language Canadian television is the direct result of the private broadcasters ignoring program expenditures and scheduling commitments for 10 point Canadian dramas. The success of *Corner Gas* is the single current example where audience attachment to characters is a result of a broadcaster's investment in marketing and promotion from the beginning of this production.
15. ACTRA submits that content or scheduling requirements are a necessary corollary to expenditure requirements recommended in the attached CCAU submission. We were disappointed that the Commission did not raise a question regarding content obligations as an essential issue for review of the over-the-air television policy.
16. The CCAU Report entitled "*The Need for a regulatory Safety Net: Broadcasting Policy and Canadian Television Drama in English Canada in the next five Years*" (*Safety Net Report*) dated June 13, 2005 noted in Appendix 1 that the 1999 Television Policy did not set any specific requirements with respect to the broadcast of Canadian dramatic programming. The 1999 Policy required that larger multi-station groups broadcast only an average of eight hours a week of priority programming during prime time viewing hours of 7:00 pm to 11:00 pm. It is significant that while the definition of priority programs includes drama, the 1999 Policy allowed private over-the-air broadcasters to fill content requirements with programming other than drama.
17. In the *Safety Net Report*, the CCAU recommended that in addition to an expenditure requirement, private broadcasters should also be required to 'commission' at least two hours of original 10 point Canadian drama per week. ACTRA specifically endorses this recommendation to the Commission in this public process.
18. A content requirement to air at least two hours of new original Canadian drama per week coupled with an expenditure requirement would ensure that Canadian private over-the-air broadcasters will finally contribute to reversing the ongoing decline in English-language drama on Canadian over-the-air television.
19. In addition, any content requirement for new Canadian dramas in prime time viewing hours would ensure that Canada's private broadcasters would not try to meet content requirements with re-runs of existing drama programs.

We thank the Commission for this opportunity to provide our comments in respect to this matter and will be pleased to reply to any further questions raised by the Commission at the public hearing.

All of which is respectfully submitted.

Thank you.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Stephen Waddell
National Executive Director

Attachment

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