



Broadcasting Notice of Consultation CRTC 2024-67

PDF version

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The Canadian Radio-television and Telecommunications Commission offices are in Gatineau, Quebec, on the traditional unceded territory of the Anishinaabe Algonquin Nation, whose presence here reaches back to time immemorial.

Call for comments – Co-development of an Indigenous Broadcasting Policy

Overview

The purpose of updating the Indigenous Broadcasting Policy is to ensure that all forms of broadcasting¹ in Canada, whether online or through radio and television, meet the needs and interests of Indigenous peoples. This includes helping Indigenous audiences find and enjoy content, supporting broadcasters² and content creators, and making sure Indigenous stories and voices are represented, easily found, and shared across the broadcasting system.

This notice of consultation officially launches Phase 2 of the co-development of the Indigenous Broadcasting Policy. This is a public consultation process flowing directly from the views that were expressed by participants in Phase 1. For a description of the steps of this co-development process, please see Broadcasting Notice of Proceeding 2019-217.

The intent of the co-development of a new framework is to maximize Indigenous peoples' opportunities to shape the Indigenous Broadcasting Policy. In addition, it acknowledges the distinct nature and lived experiences of Indigenous peoples. As such, the Canadian Radio-television and Telecommunications Commission (CRTC) is seeking the specific feedback of Indigenous peoples, while also inviting non-Indigenous peoples in Canada to participate. The CRTC encourages Indigenous audiences (listeners/viewers), Indigenous broadcasters and Indigenous content creators to share their views on their broadcasting needs.

¹ The *Broadcasting Act* defines “broadcasting” as any transmission of programs – regardless of whether the transmission is scheduled or on demand or whether the programs are encrypted or not – 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 space.

² In this notice, broadcaster means operator of a broadcasting undertaking. In Broadcasting Order 2023-332, “operator” is defined as a person that carries on a broadcasting undertaking to which the *Broadcasting Act* applies. In the *Broadcasting Act*, broadcasting undertaking includes a distribution undertaking, an online undertaking, a programming undertaking and a network.

Information sessions on how to participate in this proceeding

The CRTC will hold virtual information sessions for anyone interested in learning more about how to participate in this proceeding. To take part in a session, please contact us by email at autochtones-indigenous@crtc.gc.ca or by phone at 1-877-249-2782.

How to participate

You can send your comments in writing to any or all of the questions in this notice of consultation. To allow participants to quickly identify and answer the questions that are most relevant to them, the questions are divided into four sections intended for different groups. [section A](#) is addressed to audience members, [section B](#) to broadcasting undertakings, [section C](#) to content creators, and [section D](#) to Indigenous peoples, specifically on respecting relationships. The full list of questions can be found at [Appendix 1](#) to this notice.

The CRTC has created a [summary](#) of this notice of consultation designed for people who may be less familiar with CRTC processes. If you prefer to concentrate on the key issues without reading all of the detail in this notice, you can send your comments in writing to any or all of the questions in the summary. The summary has been translated into the following Indigenous languages: Plains Cree (paskwâwinîmowin); South Baffin Inuktitut (Qikiqtaaluk nigiani); Ojibway (Anishinaabemowin); Denesuline (Dëne Sųłıné); Montagnais (Innu-Aimun); Mikmaq (Mi'kmawî'simk); and Michif.

For more information on how to submit your answers to the questions in this notice of consultation or in the summary, please refer to the [Submit an intervention](#) section of this notice.

Alternatively, the CRTC welcomes comments through its online engagement platform, [CRTC Conversations](#). This user-friendly online engagement platform provides a specific list of questions that participants can answer quickly online or through a mobile device and in multiple formats, including audio and video. The questions are also available in the seven Indigenous languages noted above. Please refer to the [Sharing your views on CRTC Conversations](#) section for more information.

You have until **22 July 2024** to submit comments for the co-development of an Indigenous Broadcasting Policy. All comments received will be placed on the public record of this proceeding, regardless of how they are submitted.

Background

1. The Canadian Radio-television and Telecommunications Commission (CRTC) introduced the current Indigenous Broadcasting Policy³ in Public Notice 1990-89. Since then, the broadcasting environment in Canada has changed significantly. While traditional radio and television continue to play an important role in society, digital media and online platforms have created new opportunities for the creation and distribution of content. Although there have been some changes since Public Notice 1990-89, there has not been a significant review

³ The CRTC recognizes the outdatedness of the term “Native” and intends to move away from it going forward. As such, the Native Broadcasting Policy is referred to as the current Indigenous Broadcasting Policy in this notice.

of the Indigenous Broadcasting Policy in over 30 years. A brief overview of the current Indigenous Broadcasting Policy can be found at [Appendix 2](#) of this notice.

2. On 20 June 2019, the CRTC issued Broadcasting Notice of Proceeding 2019-217. In that notice of proceeding, the CRTC announced its approach to co-develop a new Indigenous Broadcasting Policy with Indigenous peoples, broadcasters, content creators and audiences. This approach included three phases and committed to upholding the Government of Canada's commitment to reconciliation.
3. During Phase 1, the CRTC consulted with Indigenous radio and television broadcasters; film, television and music content creators; and experts within the Indigenous broadcasting sector. Participants identified key themes and challenges related to the broadcasting system in Canada. These perspectives are reflected in the [“What You Said” report: CRTC Early Engagement Sessions](#) (What You Said report).⁴ The CRTC acknowledges all [those who participated in Phase 1](#). Phase 2 flows directly from these views.
4. Participants also offered feedback on how to consult and identify needs by ensuring that the co-development process is conducted fairly and is based on the views gathered from all Indigenous peoples, including Indigenous Elders and youth. This approach will ensure that the policy supports the broadcasting needs of Indigenous peoples living in Indigenous communities, and recognizes the diversity of lived experiences of Indigenous peoples in Canada.
5. In Phase 3, the CRTC will provide preliminary views from the public consultation process to Indigenous participants so they may comment further on the proposed policy.
6. This consultation may overlap or run in parallel with other CRTC proceedings, such as proceedings to implement the *Online Streaming Act*. The records of each proceeding are treated separately. Interested persons should monitor the developments of the other proceedings and file comments on the record of each proceeding to ensure their views are included in the appropriate consultation.
7. When it came into force on 27 April 2023, the *Online Streaming Act* made a number of amendments to the *Broadcasting Act*, including to its policy objectives. The revised objectives prioritize a greater role for Indigenous peoples, and ensure their cultures and languages are reflected in the broadcasting system.
8. In addition, on 9 November 2023, the Governor in Council issued the *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)* (the Policy Direction).⁵ As a matter of general application on broad policy matters, the Policy Direction, among other things, directs the CRTC to consider the diversity among Indigenous peoples and to support the meaningful participation of Indigenous persons in the broadcasting system in Canada.

⁴ The [executive summary](#) of the report has been translated into Cree, Inuktitut, Mi'kmaq, Mohawk and Ojibway.

⁵ SOR/2023-239, 9 November 2023.

9. To further inform the co-development of the Indigenous Broadcasting Policy, INDSight Consulting, an Indigenous-led consultancy that specializes in engagement, prepared a literature review entitled Indigenous Co-Development and Engagement: Wise Practices. This review will be added to the [public record](#) of this proceeding.

Purpose of this proceeding

10. To modernize the current Indigenous Broadcasting Policy, Phase 2 seeks to gather comments from Indigenous and non-Indigenous peoples. Hearing different perspectives from people and broadcasters in Canada will help the co-development of a strong policy framework by supporting:

- Indigenous and non-Indigenous listeners/viewers:
 - by ensuring diverse, relevant and quality programming that serves the needs and interests of Indigenous audiences, and is provided by Indigenous and non-Indigenous broadcasters; and
 - by providing relevant and quality programming that informs and educates on Indigenous culture, realities and issues.
- Indigenous and non-Indigenous broadcasters:
 - by creating a flexible regulatory framework that enables Indigenous broadcasters to thrive and better serve their audience; and
 - by creating a flexible regulatory framework that enables non-Indigenous broadcasters to better serve Indigenous peoples and to contribute to reconciliation by offering quality Indigenous-related programming to their audiences.
- Indigenous and non-Indigenous content creators:
 - by supporting and promoting the creation and discoverability of Indigenous content throughout the broadcasting system; and
 - by supporting collaboration between content creators who are Indigenous and non-Indigenous, in the spirit of reconciliation and cultural appreciation.⁶

Regulatory framework

11. The questions in this notice are guided by the objectives of the broadcasting policy for Canada and the regulatory policy set out in the *Broadcasting Act*. These objectives relate to, among other things, programming employment and production opportunities, the fulfillment of the needs and reflection of the special place of Indigenous peoples and their languages in

⁶ As per the [University of British Columbia](#), “cultural appreciation” means appreciating another culture in an effort to broaden their perspective and connect with others cross-culturally.

the broadcasting system in Canada, and the revitalization of those languages. Please see [section A of Appendix 3](#) for the relevant provisions of the *Broadcasting Act*.

12. The questions in this notice are also informed by the [Principles respecting the Government of Canada's relationship with Indigenous peoples](#) (the 10 Principles), in which the Government of Canada recognizes that reconciliation is a fundamental purpose of section 35 of the *Constitution Act, 1982*. It is also informed by other frameworks identifying actions towards reconciliation in areas such as self-determination, languages, arts, civilizations and cultures, heritage, communications and media, education, and business practices.
13. Participants in Phase 1 indicated that it was important to study the obligations described in the following framework documents and to take any broadcasting-related obligations into account when creating the Indigenous Broadcasting Policy (page 47 of the What You Said report).
14. These frameworks include the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP); the [Report of the Royal Commission on Aboriginal Peoples](#) (RCAP); the Calls to Action in the [2015 Truth and Reconciliation Commission of Canada: Calls to Action](#); and [The Calls for Justice](#) that emerged from Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG). Refer to [section B of Appendix 3](#) for the specific sections of each framework that are relevant to this notice.

Questions

15. The questions below are divided into four sections to allow participants to identify and answer the questions that are most relevant to them. Questions for audience members can be found at [section A](#) (paragraphs 23 to 35), questions for broadcasters at [section B](#) (paragraphs 36 to 70), and questions for content creators at [section C](#) (paragraphs 71 to 97). Questions relating to Indigenous self-governance and self-determination can be found at [section D](#) (paragraphs 98 to 103).
16. You are not required to answer all questions. You are invited to answer the questions that are relevant or of interest to you. If you relate to more than one group (for example, if you are a content creator and an audience member), you may answer all the questions that apply to you.
17. Some of the questions are repetitive to provide different groups with similar questions. If you have already answered a similar question, you may simply refer to your earlier answer.
18. The CRTC considers Indigenous individuals and groups to be key collaborators in this process.

Indigenous representation and gathering of basic personal information

19. Phase 1 participants stressed that Indigenous representation is a must in the co-development process of the Indigenous Broadcasting Policy. To better inform the process and allow the CRTC to assess the level and nature of Indigenous participation and conduct gender-based

analysis, participants are invited to provide some basic personal information. This is voluntary and you may still answer the other questions in this notice if you choose not to provide this information.

20. This confidential information will allow the CRTC to understand who is impacted by the issues or opportunities addressed below, to identify how the Indigenous Broadcasting Policy could be tailored to meet the different needs of the people most impacted, and to remove any barriers to accessing or benefiting from the policy.

21. You may designate any of your answers as confidential. More information on how to designate information as confidential can be found in the [Confidentiality](#) section of this notice (paragraphs 120 to 122).

22. Accordingly, the CRTC is asking for the following self-identification information:

Q1. If you are a member of the audience, are you (please identify all that apply):

- (a) A woman?
- (b) A youth?
- (c) An Elder?
- (d) A member of the 2SLGBTQI+ community?

Q2. If you are a broadcasting undertaking,⁷ are you operating (please identify all that apply):

- (a) Radio undertaking(s)? If so, what type of station do you operate (that is, commercial station, campus station, community station, ethnic station, Type A station, Type B station, Canadian Broadcasting Corporation/Radio-Canada or other not-for-profit stations)?
- (b) Television undertaking(s)? If so, what type of station/service do you operate (that is, a community television service, an over-the-air station, a discretionary service⁸ or an on-demand service)?
- (c) Online undertaking(s)?

Q3. Are you a broadcasting distribution undertaking (that is, a television service provider)?

⁷ As set out in the *Broadcasting Act*, a broadcasting undertaking includes a distribution undertaking, an online undertaking, a programming undertaking, and a network.

⁸ Discretionary services are those other than conventional television stations that are not available over-the-air. Subscribers generally have the option to have those stations as part of their broadcasting distribution undertaking offering (that is, cable, fiber television or satellite providers).

(a) If so, please specify the type (for example, terrestrial-cable, terrestrial-Internet protocol television, direct-to-home, or satellite).

(b) Do you operate a community television channel?

Q4. If you are a content creator, do you create content for (please identify all that apply):

(a) Radio?

(b) Television?

(c) Online undertakings?

Q5. Do you identify as:

(a) First Nation? If so, do you live in your community?

(b) Inuit? If so, do you live in your community?

(c) Métis? If so, do you live in your community?

Q6. Please provide the first three characters of your postal code.

Section A – Questions for audience members

23. Participants from Phase 1 stated that each Indigenous Nation has unique needs. The Indigenous Broadcasting Policy should therefore take each group's perspectives into account (page 9 of the What You Said report).

24. The following questions focus on programming needs, local programming, and the National Public Alerting System (NPAS). You can find the full list of questions in [section A of Appendix 1](#).

Programming needs

25. Phase 1 participants noted that this proceeding should reflect communities' needs, experiences and challenges with accessing broadcasting services, and the types of content they feel are meaningful (page 11 of the What You Said report).

QA1. In what ways do Indigenous broadcasting services meet your needs and interests?

(a) How can these services be improved to ensure that they better meet your needs and interests?

(b) Do the programs and content respectfully/accurately reflect you and/or your community?

(c) How could programming be more relevant and reflective?

- (d) How do you receive programming services (over-the-air, cable, direct-to-home [satellite], or online)?

QA2. In what ways do non-Indigenous programming services meet your needs and interests?

- (a) Do the programs and content respectfully/accurately reflect you and/or your community?
- (b) How could programming be more relevant and representative?

QA3. Do you have any challenges accessing and discovering Indigenous programming (radio, television and/or online streaming, which includes music, television shows, videos, films, news, weather, sports, podcasts, and community information)?

- (a) What solutions would you suggest to address these challenges?

Reflection in local programming

26. Phase 1 participants stated that there is a need for more positive Indigenous content, such as success stories and good-news stories, in non-Indigenous news (page 24 of the What You Said report).

27. In addition to the direction provided by the *Broadcasting Act*, Phase 1 participants reminded the CRTC that paragraphs 6.1(i), (ii) and (iv) of the Calls for Justice identified in Reclaiming Power and Place: The Final Report of the National Inquiry into MMIWG, and the recommendation to the CRTC for an immediate action set out in section 5.4.8 of the Report of the RCAP also reflect this view (see [Appendix 3](#) for each of these references).

QA4. How could broadcasting undertakings that serve your area better share and support the success stories from your local Indigenous community?

28. Participants also noted that non-Indigenous broadcasters could ensure that stories relating to Indigenous communities are broadcast on their radio and audio-visual services. Doing so would ensure that content is more relevant to Indigenous communities. This could be done by offering opportunities for regional reporters – that is, members of local Indigenous communities – to create and submit content to non-Indigenous media services. This approach would also give regional reporters a role in non-Indigenous broadcasting (page 33 of the What You Said report).

QA5. What is your opinion on non-Indigenous broadcasting undertakings broadcasting Indigenous news and programming related to Indigenous communities in their regions?

- (a) Would this benefit all audiences in the region?
- (b) Are there any barriers that prevent you from accessing regional/local Indigenous programming?

- (c) What do you suggest to reduce these barriers?

Indigenous languages

29. Phase 1 participants noted that the rules around language need to be reviewed so that content can be broadcast in Indigenous languages as well as in English and French. Doing so would make content more relevant to Indigenous audiences (page 27 of the What You Said report).
30. Participants explained that broadcasting in Indigenous languages plays an important role in preserving and revitalizing traditional Indigenous languages, and reflecting Indigenous sovereignty (page 10 of the What You Said report).
31. Communities might have different programming needs and challenges. As such, diversity of language in programming is important.

QA6. Does the programming you receive (such as music, spoken word, and video content) serve your needs and interests?

- (a) What could be improved?
- (b) Should Indigenous programming be offered in one or multiple Indigenous languages? Please explain.

Accountability through community self-governance and self-determination

32. In Phase 1, participants noted that many local Indigenous radio stations are financed and managed by the band or tribal council. Many of these communities have already established their own broadcasting policies, infrastructures, and funding mechanisms. Participants expressed the importance of recognizing communities' need for self-governance, self-determination, and their work to preserve their cultures (page 39 of the What You Said report).

QA7. How can broadcasting undertakings and content creators respect the self-determination of Indigenous peoples in the communities they serve?

- (a) What mechanisms should be put in place for implementation and supervision of the Indigenous Broadcasting Policy?

NPAS – Considerations for serving Indigenous audiences

33. The NPAS is a federal, provincial, and territorial system that allows emergency management organizations across Canada to warn the public about imminent or possible dangers. Dangers include floods, tornados, hazardous materials, fires, and other imminent or unfolding danger to life. The system is also used for AMBER Alerts and other urgent bulletins.
34. Programming undertakings and broadcasting distribution undertakings, even those that are not required to hold a broadcasting licence, must send NPAS emergency alerts on their services for the safety of their listeners and viewers, with some exceptions.

35. Phase 1 participants noted that important public alerts and warnings need to be broadcast in Indigenous languages (page 27 of the What You Said report).

QA8. Do you agree that public alerts and warnings need to be broadcast in Indigenous languages?

- (a) Which Indigenous languages should be prioritized if the public alerts cannot be provided in all Indigenous languages?
- (b) Are any other changes needed to the way NPAS emergency alerts are communicated to better serve Indigenous communities?

Section B – Questions for broadcasting undertakings

36. Under the current Indigenous Broadcasting Policy, Indigenous broadcasting undertakings are expected to offer programming that meets the needs and interests of the Indigenous audiences they serve.

37. Indigenous and non-Indigenous broadcasting undertakings have a role to play in addressing their audiences' specific cultural and linguistic needs. They also play a role in creating an environment in which Indigenous creators can develop and flourish.

38. The following questions focus on serving Indigenous communities in Indigenous languages, radio station categories, CRTC processes, broadcasting infrastructures, Indigenous presence in non-Indigenous broadcasting, and fair representation of Indigenous peoples. You can find the full list of questions in [section B of Appendix 1](#).

Definition of an Indigenous undertaking

39. Currently, an Indigenous undertaking⁹ is defined as an undertaking that is owned and controlled by a not-for-profit organization whose structure includes board membership by the Indigenous population of the region it serves. Its programming can be in any Indigenous language, in English and/or French. Its programming should be oriented to and reflect the interests and needs of the Indigenous audience it serves, and it should encourage the development of Indigenous cultures and the protection of ancestral languages.

QB1. Does the current definition of an Indigenous undertaking meet your needs and expectations?

- (a) Does this definition create any unintentional barriers?
- (b) Is this definition practical and easy to use?
- (c) How could it be improved? Please explain.

⁹ Native undertakings, as defined in Public Notice 1990-89, are referred to as Indigenous undertakings in this notice.

Regulatory categories, ownership and control of Indigenous radio stations

40. Under the current Indigenous Broadcasting Policy, Indigenous radio stations are defined as either Type A (exempt – that is, do not need to be licensed) or Type B (licensed) stations. You can find more information on Indigenous radio stations at [Appendix 2](#).
41. Phase 1 participants noted that most Indigenous radio stations are low-power radio stations (usually Type A) whose signal reaches only within the community. Some participants said they would like to increase this reach so members of the community that live outside the range may also tune in. This can be a problem when the community is located near a large centre that already has one or more commercial radio stations. In this case, the Indigenous community would need to apply for a Type B licence (page 20 of the What You Said report).
42. Other applicants can acquire the frequency of a low-power station if they apply for a full-power (that is, 51 watts or more) radio station.
- QB2. How would you improve the criteria for existing types of Indigenous radio stations to serve community members without creating undue regulatory burden?
- QB3. Are there challenges resulting from having non-Indigenous radio stations in the same place as a low-power Indigenous radio station? If so, how would you address these issues?
43. Indigenous broadcasting undertakings are owned and controlled by not-for-profit organizations and must provide for board membership by the local Indigenous population. Phase 1 participants noted that a community-based radio station represents a community's voice and is often its central hub of information. As such, these stations should not be regarded as, or operated like, a for-profit media corporation (page 20 of the What You Said report).
- QB4. How could regulatory processes be changed to allow Indigenous broadcasting services to be more easily established, and once launched, better supported?
- QB5. Are there advantages or challenges faced by Indigenous broadcasting undertakings because of the current ownership and control requirements?
- (a) How should these requirements be modified?
44. Indigenous radio broadcasters may apply to operate any type of broadcasting service and must follow the policies and regulations associated with their issued licence. Phase 1 participants suggested exploring a third licence category in line with for-profit commercial radio stations, providing Indigenous content, and proposing an alternative approach to contribution and regulatory reporting requirements (page 20 of the What You Said report).
- QB6. Are there instances when it could be beneficial to operate Indigenous radio stations in a similar way as commercial radio stations? Please elaborate.

QB7. What are the advantages and disadvantages of having the existing two distinct categories of Indigenous radio stations (Type A and Type B)?

QB8. What modifications to the definitions of Type A and Type B stations are required, and why?

45. According to Phase 1 participants, Indigenous radio stations would like to solicit advertising, but have difficulty attracting national advertisers (page 19 of the What You Said report). Advertising potential is limited in many remote communities.

QB9. Other than advertising opportunities, what mechanisms could provide stable revenue sources for Indigenous radio stations?

Support for small Indigenous audio-visual services

46. The CRTC has streamlined its approach to regulating providers of audio-visual services that broadcast their content on television to reduce the regulatory burden. For example, Broadcasting Order 2023-307 allows discretionary services that serve fewer than 200,000 subscribers to operate without a licence. This allows smaller undertakings to launch television services more quickly.

QB10. What could the CRTC do to make it easier for small Indigenous discretionary audio-visual services to enter and operate in the broadcasting system in small or remote communities?

QB11. Is there a role for community television¹⁰ in Indigenous communities?

(a) How can the CRTC support the broadcast of this programming?

Success in serving Indigenous communities

47. According to Phase 1 participants, the definition of success for Indigenous broadcasters should be based on their own definition, rather than one where the focus is on profit over community impact. In their view, a new success model for the broadcasting industry in Canada involves Indigenous broadcasters and content creators in all aspects, in all governance structures, and on all platforms working together to:

- provide opportunities for Indigenous creators;
- share programming;
- support Indigenous identity and culture;
- promote content around the world; and

¹⁰ Community television is a service that offers locally produced programs reflecting a community and access to the broadcasting system by members of the community.

- provide a new source of programming to non-Indigenous entities (page 19 of the What You Said report).

QB12. What criteria should be considered in the definition of success for Indigenous broadcasters?

- (a) What does success look like for an Indigenous broadcasting undertaking?
- (b) Should this definition be flexible for different circumstances?

QB13. As an Indigenous broadcasting undertaking, how do you ensure that the programming you offer serves the interests and needs of Indigenous listeners/viewers?

- (a) How do you measure this?
- (b) What kind of performance indicators do you use?
- (c) Are there any organizations who could help the CRTC establish the performance indicators and measurements of success?

QB14. What reporting mechanisms do you use to ensure you are accountable to your community's listeners/viewers?

QB15. What would the new model for success look like and how could these measurements of success be reflected in the new regulatory framework?

48. Participants suggested that a national body be formed at the end of the co-development process. It would create a report card that reflects the current broadcasting environment and itemizes the actions to be taken and timelines for activities (page 14 of the What You Said report). An approach that uses co-monitoring and evaluating the implementation of the Indigenous Broadcasting Policy through reporting would help build accountability. The literature review prepared by INDSight Consultation, Indigenous Co-Development and Engagement: Wise Practices, elaborates on the concept of co-monitoring and evaluation.

QB16. How do you define co-monitoring?

- (a) Do you know of any existing criteria for co-monitoring? If so, please elaborate.

Distinctions-based policy

49. During the Phase 1 engagement sessions, participants expressed the importance of recognizing distinct groups among First Nations, Inuit, and Métis peoples. They indicated that the Indigenous Broadcasting Policy should be flexible enough to meet each group's requirements, whereas taking a pan-Indigenous approach can have the effect of alienating groups and dismissing valuable viewpoints (page 9 of the What You Said report).

QB17. What are the specific needs of each distinction-based group (First Nations, Inuit and Métis peoples)?

- (a) How can the Indigenous Broadcasting Policy ensure that the specific needs of each group are met? Please provide examples.

Indigenous broadcasting infrastructure

50. According to the What You Said report, participants indicated that broadcasting infrastructure (such as equipment, technology, and reliable internet access) in Indigenous communities was often outdated, not working, or in need of repair.

51. Participants said Indigenous communities need:

- businesses that install and maintain broadcasting and network technology to work collaboratively with Indigenous radio and television operators;
- access to current technology, rather than used equipment;
- the conversion of television broadcasting infrastructure to handle the high-definition standard;
- access to technicians who can maintain equipment to ensure that services continue to work, or training for on-site staff to operate and maintain infrastructure, especially satellite-based technology;
- the ability to increase power (that is, wattage on a radio station) without going through a complex regulatory process so that transmissions can reach distant areas of the community, allowing hunters, trappers, and other remotely located community members to maintain a connection to home; and
- reliable and affordable broadband infrastructure that meets the minimum standards set out for, and interconnects with, the rest of the country (page 21 of the What You Said report).

QB18. Please provide further context on current infrastructure issues in your community. Are there any potential solutions to address them through the Indigenous Broadcasting Policy?

52. When there is very little or no access to internet services, Indigenous broadcasters must overcome additional operational challenges. These include an inability to gather news and communicate with their audiences outside radio or television transmissions, barriers to accessing archival film footage and recorded music (page 38 of the What You Said report), and an inability to download music or content in an efficient or cost-effective way.

QB19. How does low quality connectivity such as slow or unreliable Internet services affect access to Indigenous broadcasting content? Please elaborate on how this impacts the listeners/viewers. How do you deal with these challenges?

The implementation of the NPAS by broadcasters

53. As identified in Broadcasting Regulatory Policy 2014-444, full participation by broadcasters is needed for the NPAS to effectively safeguard and warn Canadians. The CRTC also noted that a broadcaster in a small community plays a key role in ensuring that residents receive timely unfolding or imminent danger warnings. The CRTC therefore requires broadcasters, with few exceptions, to participate in the NPAS.
54. In Broadcasting Decision 2018-212, the CRTC acknowledged that not-for-profit operators could face certain challenges implementing the NPAS due to, among other things, the upfront costs involved.

QB20. What are the benefits and/or challenges to the implementation of the NPAS? What solutions would you recommend that can be addressed through policy changes?

QB21. In what way do Indigenous broadcasters require support for implementing the NPAS? Please provide a detailed explanation.

Indigenous-led centre of expertise for broadcasting undertakings

55. According to Phase 1 participants, it is important for Indigenous broadcasters to form a united front to advocate for their needs in the larger broadcasting industry in Canada (page 36 of the What You Said report).

QB22. What are the benefits and challenges to establishing an Indigenous-led and Indigenous-managed broadcasting association?

QB23. Who would be best positioned to create, organize and manage such an organization?

- (a) Should the CRTC be involved? If so, please explain how.

Supporting Indigenous languages and cultures

56. Phase 1 participants expressed concern regarding the loss of traditional cultures due to a lack of radio and television programming that showcases Indigenous cultures, perspectives and languages. This is despite alternate ways of disseminating traditional culture and language, largely through word of mouth or written archives (page 40 of the What You Said report).

QB24. Are you aware of any community-led initiatives to help preserve Indigenous languages?

- (a) Are any of these efforts linked to broadcasting aspects (radio/television/online)?

QB25. How can the Indigenous Broadcasting Policy further support Indigenous broadcasting undertakings' efforts to preserve Indigenous languages and cultures?

57. Participants noted the importance of creating a policy that encourages the use of Indigenous languages throughout the broadcasting system in Canada. While it rarely happens in commercial broadcasting, when Indigenous languages are heard on non-Indigenous radio or television, or when popular TV programs have been dubbed from English or French into an Indigenous language, participants indicated that these moments make them feel that progress is starting to be made (page 16 of the What You Said report).

QB26. How does the broadcast of Indigenous languages to a larger audience contribute to promoting and revitalizing Indigenous languages?

Language barriers faced by Indigenous broadcasting undertakings

58. As stated in the What you Said report, in northern Quebec, where 95% of Indigenous peoples speak Inuktitut or Innu, television programs are mainly broadcast in French (page 27 of the What You Said report).

QB27. Can you provide examples of language barriers that Indigenous broadcasting undertakings located in specific areas face, as well as possible solutions that the Indigenous Broadcasting Policy can provide?

Potential partnerships between Indigenous and non-Indigenous broadcasting undertakings

59. According to many Phase 1 participants, non-Indigenous broadcasters could help build capacity within the Indigenous broadcasting sector by offering internships and professional development initiatives (page 28 of the What You Said report). Some examples of partnerships that were discussed in Phase 1 include the provision of back-up equipment and training (page 21 of the What You Said report).

QB28. What could potential partnerships between Indigenous and non-Indigenous broadcasting undertakings, such as internships and professional development initiatives, look like? Please provide examples of possible scenarios or existing partnerships.

Indigenous presence on air and in operations in the non-Indigenous broadcasting sector

60. According to Phase 1 participants, it is important for non-Indigenous broadcasters to understand their role in meeting Canada's obligations to Indigenous peoples (page 24 of the What You Said report).

61. Participants felt that a greater Indigenous presence is needed in the wider broadcasting industry to introduce more Indigenous ideas into non-Indigenous broadcasting spaces (page 28 of the What You Said report). In addition to the direction provided by the *Broadcasting Act*, participants indicated that the Calls for Justice in paragraph 6.1(iii) of the Reclaiming Power and Place: The Final Report of the National Inquiry into MMIWG also reflect this view (see [Appendix 3](#)).

QB29. What efforts do you currently make to offer programming that serves the interests and needs of Indigenous listeners/viewers and supports Indigenous content creators?

QB30. How can non-Indigenous broadcasting undertakings better serve the interests and needs of Indigenous listeners/viewers and support Indigenous content creators?

QB31. How can non-Indigenous broadcasting undertakings ensure greater representation of Indigenous stories in the content they provide?

(a) Are there any barriers to representing Indigenous stories? What do you propose to reduce these barriers?

QB32. What efforts have you made to hire Indigenous employees:

(a) on air (for example, actors, hosts, reporters); and

(b) in the operations (behind the microphone or camera)?

Reporting on equitable portrayal of Indigenous peoples

62. Phase 1 participants indicated that there is a need for more positive Indigenous content such as good-news stories and success stories in non-Indigenous news broadcast (page 24 of the What You Said report). In addition to the direction provided in the *Broadcasting Act*, participants indicated that paragraphs 6.1(i), (ii) and (iv) of the Calls for Justice in Reclaiming Power and Place: The Final Report of the National Inquiry into MMIWG and the Report of the RCAP's recommendation in section 5.4.8 also reflect this view (see [Appendix 3](#) for each of these references).

63. In Broadcasting Public Notice 2007-122, the CRTC imposed the following reporting requirements on diversity on commercial radio operators:

- large commercial radio operators (with revenues above \$50 million) must report annually on diversity;
- medium-sized commercial radio operators (with revenues of more than \$20 million and up to \$50 million) must report on diversity every five years; and
- small commercial radio operators (with revenues of up to \$20 million) are exempt from reporting requirements.

64. In Broadcasting Public Notice 2007-122, the CRTC set out an expectation that all commercial radio licensees adopt best practices to ensure their programming reflects the realities of Canada's ethnocultural minorities, Indigenous peoples, and persons with disabilities. The CRTC imposed similar reporting requirements on commercial radio operators in Broadcasting Regulatory Policy 2022-332.

65. In that regulatory policy, the CRTC also stated its intent to consider creating a new national fund to support Indigenous content creators and diversity. In 2023, the CRTC certified the Indigenous Screen Office production fund, and recognized its importance in helping to foster Indigenous production and storytelling in the screen industry.

66. Private television broadcasters are required to file an annual cultural diversity report with the CRTC. Each report must describe the actions broadcasters have taken and the progress made over the previous year toward creating a corporate culture that supports programming that reflects the cultural diversity in Canada, including the realities of Indigenous peoples.¹¹ Broadcasters are also required to address how the portrayal and presence of racialized peoples and Indigenous peoples is incorporated into all stages of the production and acquisition of programming, including decisions about which programs will be broadcast.
67. As set out in Broadcasting Decisions 2017-143 and 2017-148, and detailed in Broadcasting Information Bulletin 2019-304, large French- and English-language ownership groups must report annually on their spending on original, first-run programming. That report includes the number of Indigenous producers they meet with each year, the projects they commissioned from Indigenous producers, and the budgets and the Canadian programming expenditures devoted to those projects.

QB33. Are there reporting measures or other actions that could be applied to support anti-discriminatory, and culturally sensitive representation of Indigenous peoples in broadcasting, including but not limited to Indigenous women, girls, and 2SLGBTQI+ people, to be inclusive of diverse Indigenous cultural backgrounds?

Educational opportunities and Indigenous advisors

68. Participants of Phase 1 pointed out that all people working in the broadcasting industry in Canada should be provided educational opportunities to learn about Indigenous protocols, history, traditions, cultural awareness and respect. In their view, this type of training should be mandatory (page 34 of the What You Said report). This statement is supported by the Truth and Reconciliation Commission Call to Action #92(iii).
- QB34. Do you have examples of opportunities to learn about Indigenous protocols, history, traditions, cultural awareness and respect being provided to non-Indigenous peoples working in the broadcasting industry?
69. Phase 1 participants suggested that each large commercial broadcaster employ an Indigenous advisor. This advisor could act as a resource within the company and be the first point of contact for Indigenous producers (page 27 of the What You Said report).
70. In Public Notice 1992-59, the CRTC implemented the Employment Equity Policy within the broadcasting industry. This policy speaks to strategies to achieve objectives through special recruitment or training programs, such as strategies for training for supervisors in relation to a variety of cultural backgrounds. This applies to those broadcasters that are subject to regulation under the *Employment Equity Act* (that is, those that have 100 or more employees). It also encourages small undertakings to consider employment equity issues in their hiring practices and in all other aspects of its management of human resources.

¹¹ The filing of this report was first introduced in Public Notice 2001-88 and formally implemented through the private television broadcasters' licence renewals in Broadcasting Public Notice 2004-2.

QB35. What are your views on broadcasting undertakings obtaining the services of an Indigenous advisor to explain traditions and protocols and to discuss cultural awareness to ensure that content is appropriate?

- (a) How can this be implemented by broadcasting undertakings?
- (b) How can this be monitored through the Indigenous Broadcasting Policy?
- (c) Are there other ways that this objective could be achieved?

Section C – Questions in support of Indigenous content

71. Phase 1 participants identified success stories and challenges regarding Indigenous content. For example, they indicated that Indigenous radio stations play an important role in supporting Indigenous music artists and helping Indigenous communities reclaim their language and culture (page 16-17 of the What You Said report).
72. Participants also noted the important contributions audio-visual services make to support the development of programming that reflects Indigenous peoples and that is available in various Indigenous languages (pages 17-18 of the What You Said report). However, some participants indicated there are still a range of issues that prevent Indigenous content creators from fully participating in all aspects of the broadcasting industry in Canada (pages 19-30 of the What You Said report).
73. The following questions focus on ways to improve the discoverability of Indigenous creators across the entire broadcasting system, ways of defining Indigenous content, the certification process for Canadian television content, and funding mechanisms. You can find the full list of questions in [section C of Appendix 1](#).

Supporting Indigenous content creators in their Indigenous languages

74. Phase 1 participants noted that current language rules need to be made less restrictive when it comes to delivering content (that is, broadcasting in Indigenous languages as well as in English and French). Doing so will make content more relevant to Indigenous audiences (page 27 of the What You Said report).

QC1. How can the CRTC encourage the inclusion of Indigenous-language content in the programming broadcast by non-Indigenous broadcasting undertakings?

- (a) What kind of means or metrics for success could be used to achieve this goal?

QC2. What incentives or measures could help Indigenous content creators fully participate in the broadcasting system in Canada by getting their content broadcast in Indigenous languages?

Current definition of Indigenous audio content

75. In Broadcasting Decision 2017-198, the CRTC required five new Indigenous radio stations to devote a certain percentage of their musical selections to Indigenous-created content. That

decision defined an Indigenous musical selection as “a musical selection written or performed by an individual who has Canadian citizenship and who self-identifies as Indigenous, which includes First Nations, Métis or Inuit.”

QC3. What are some existing guidelines that could be used to respectfully ensure the Indigeneity of audio content prior to being broadcast?

QC4. Is the definition above adequate for the purpose of ensuring the presence of Indigenous music in the broadcasting system? Please explain.

QC5. What other definitions of Indigenous audio content should be considered?

(a) Are there other definitions in use today that are widely accepted by Indigenous content creators and could be used for regulatory purposes?¹² If so, please provide details and the sources of these other definitions.

QC6. What organization(s), if any, should contribute to defining and identifying Indigenous audio content?

Current definition of Indigenous audio-visual content and the certification process

76. An audio-visual certification process is used by the CRTC, Canadian Audio-Visual Certification Office (CAVCO) and Telefilm Canada to certify films and television productions that employ mainly Canadian crews and talent. The type of production determines where producers should apply for certification.
77. The CRTC certifies productions that are independently produced, including domestic television and film productions, dubbed versions of Canadian and foreign programs, and international co-ventures (international co-productions that are not included under the treaties administered by Telefilm Canada). The CRTC’s content certification process ensures that broadcasting undertakings make maximum use of creative talent and other resources in Canada when creating and presenting programming. The process also gives a program category to each production so broadcasters can count them towards meeting their Canadian content exhibition requirements.
78. CAVCO certifies domestic television and film productions, as well as international treaty co-productions that are eligible for funding such as tax credits. Telefilm Canada is the administrative authority for co-production treaties involving Canada.
79. Phase 1 participants stated that in addition to making more funding available and setting out minimum exhibition levels on non-Indigenous platforms (both traditional television and online), the program certification system should clearly define what makes a program “Indigenous” and identify the elements necessary to define “Indigenous” content (page 24 of the What You Said report).

¹² Regulatory purposes means that the CRTC can impose requirements (either exhibition or expenditure requirements) on broadcasters (traditional or online) to support the production and broadcast of Indigenous content.

80. In Broadcasting Decision 2022-165, the CRTC defined an “Indigenous producer” as an individual who self-identifies as Indigenous, which includes First Nations, Métis or Inuit, and who resides in Canada, or an independent production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and who reside in Canada. In the definition of “independent production company,” a “Canadian company” also includes a production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and reside in Canada.

QC7. Do the definitions presented above properly define Indigenous content?

(a) Will it help to ensure the presence of Indigenous audio-visual content in the broadcasting system? Please explain.

QC8. What are some existing guidelines that could be used to respectfully ensure the Indigeneity of audio-visual content prior to being broadcast?

QC9. What other definitions of Indigenous audio-visual content should be considered?

(a) Are there other definitions in use today that are widely accepted by Indigenous content creators and could be used for regulatory purposes? If so, please provide details and sources of these other definitions.

QC10. What organization(s), if any, should contribute to defining and identifying Indigenous audio-visual content?

Supporting the broadcasting and discoverability of content created by Indigenous content creators

81. Phase 1 participants noted that non-Indigenous broadcasters claim that they cannot find sufficient high-quality Indigenous-created content to broadcast. Participants stated that there is in fact a great deal of excellent Indigenous television content and music available (page 46-47 of the What You Said report).

QC11. How can the Indigenous Broadcasting Policy ensure that non-Indigenous broadcasting undertakings have access to Indigenous content and that this content is effectively broadcast by non-Indigenous services?

QC12. What measures could non-Indigenous broadcasting undertakings undertake to help ensure that Indigenous content can be found and easily discovered by all audiences, including Indigenous listeners/viewers?

Accountability

82. As noted above, participants suggested that a national body be formed to create a report card that describes the current broadcasting situation and which includes “action items” for improvement and timelines for change.

83. According to the INDSight literature review, a fulsome co-developed engagement approach includes engagement participation from Elders and traditionalists, using languages and engagement methods, and ensuring the participation of women, youth and the 2SLGBTQI+ community.

QC13. How can the Indigenous Broadcasting Policy create space for monitoring by Indigenous peoples to ensure Indigenous narratives and stories are representative?

Funding mechanisms

84. Phase 1 participants stated that non-Indigenous television broadcasters must increase Indigenous programming on their networks, and funding must be increased so that more content can be created (page 23 of the What You Said report). The need for adequate funding and support for such initiatives is echoed in section 2.7 of the Calls for Justice that came out of Reclaiming Power and Place: The Final Report of the National Inquiry into MMIWG (see [Appendix 3](#)).

85. Some participants suggested that major broadcasters set aside portions of their budgets to support new and emerging Indigenous audio and audio-visual creators in Canada (page 24 of the What You Said report). Participants expressed concern over non-Indigenous organizations receiving public funding for the creation or production of Indigenous content (page 25 of the What You Said report). They recommended Indigenous peoples be included in funding decisions (page 44 of the What You Said report).

86. Participants also stated that the CRTC needs to encourage non-Indigenous production companies and broadcasters to fund more Indigenous projects (page 46 of the What You Said report). The Report of the RCAP's recommendation in section 3.6.17 also reflects this view (see [Appendix 3](#)).

87. Although the CRTC does not provide direct funding to undertakings or content creators, it has developed policies and regulatory frameworks that help support the creation of broadcasting content by:

- imposing Canadian content development contribution requirements on commercial radio broadcasters for the creation of audio content (music and spoken word);
- imposing programming expenditure requirements on television broadcasters; and
- requiring contributions to the Canada Media Fund¹³ and other certified independent production funds for audio-visual content, including, among others, the Indigenous Screen Office fund.

¹³ Phase 1 participants felt that new policies are needed to establish or increase the funding that is available for Indigenous content development, such as funds allocated through the Canada Media Fund, Telefilm Canada, and FACTOR. Participants stated they wanted to see this clearly highlighted as an area where policy needs to change (page 40 of the What You Said Report).

88. In Broadcasting Notice of Consultation 2023-138, the CRTC launched the first part of a three-step process to build a new regulatory framework for contributions that support Canadian and Indigenous content. In Step 1, the CRTC is considering the option of an initial base contribution from online undertakings to ensure their continued support for Canadian and Indigenous programming and creators. The CRTC solicited comments on, among other things:

- the possibility of a certain percentage or envelope of funds being dedicated to Indigenous video productions and audio projects; and
- the percentage that would be appropriate and the entities that should be required to contribute to such a fund.

QC14. Apart from the measures contemplated in Broadcasting Notice of Consultation 2023-138, what additional policy initiatives could ensure a stable financial base for the creation, production, promotion, and distribution of Indigenous content?

Quotas and expenditures

89. Many participants of Phase 1 stated that non-Indigenous radio and television broadcasters should be required to include a percentage of Indigenous-created programming (page 46 of the What You Said report).

90. Participants suggested that commercial stations should also include some percentage of Indigenous spoken word content based on traditional languages spoken in a local area, community or region (page 22 of the What You Said report). The Report of the RCAP's recommendation 3.6.12 also reflects these views (see [Appendix 3](#)).

91. The CRTC notes that although radio stations still use the quota system for the broadcast of music, the system has been generally replaced by programming expenditures for audio-visual services.

92. In Broadcasting Regulatory Policy 2022-332, the CRTC set out an expectation that commercial radio broadcasters report annually on the amount of Indigenous content aired, including the percentage of Indigenous musical selections broadcast and the number of artists whose music they have broadcast. Commercial radio licensees should also be able to provide, upon request, information such as a list of all titles, artists, dates and times of broadcasts and International Standard Recording Code numbers.

QC15. What are your views on non-Indigenous radio broadcasters being required to devote a percentage of their broadcast time to Indigenous-created content,¹⁴ including music and spoken word in Indigenous languages?

(a) What percentage would you recommend?

¹⁴ For example, as set out in Broadcasting Decision 2022-165, the Canadian Broadcasting Corporation is required to broadcast minimum percentages of Indigenous-created music on its English- and French-language radio stations.

QC16. What other regulatory mechanisms could help ensure the inclusion of Indigenous content and storytelling on non-Indigenous radio?

93. Under the current Indigenous broadcasting regulatory framework, Indigenous Type B radio stations must ensure that 35% of their popular musical selections broadcast each week are Canadian. This includes content from Indigenous music artists. Most commercial, community and campus radio stations have the same requirement.

QC17. Is the current 35% level of Canadian content on Indigenous radio stations still appropriate?

(a) Should the level be modified or replaced by new requirements. If so, how?

94. In Broadcasting Regulatory Policy 2015-86, the CRTC stated that content quotas are a less and less effective regulatory tool in an increasingly on-demand broadcasting environment. It adopted a new framework that allows audio-visual services to transition to a more on-demand and tailored television environment consistent with the viewing habits of Canadians. These new measures shifted the focus from an approach based on exhibition quotas (that is, the number of hours of Canadian programming broadcast) to one based on expenditures (that is, the amount of money spent on Canadian programming).

QC18. What measures should the CRTC take to help ensure the broadcast of Indigenous content on non-Indigenous audio-visual services?

(a) Could other means be more appropriate than expenditure or exhibition requirements to meet this objective?

QC19. Should these means be applicable to all broadcasting undertakings? Please explain.

Indigenous content database

95. Phase 1 participants indicated that there is a pressing need to establish an Indigenous content database so that Indigenous music, film and television content can easily be located, identified and accessed by broadcasters (page 37 of the What You Said report). Several participants suggested the need for an online catalogue that identifies Indigenous music artists and recordings. The catalogue would ensure that more Indigenous music is played on commercial broadcasting services and lead to greater recognition and discoverability of Indigenous artists (page 31 of the What You Said report).

QC20. Are there existing databases that could be used for locating, identifying and accessing Indigenous content? If so, please provide details, such as the ownership and administration of the database and the level of information provided.

QC21. Who is best positioned to address self-identification aspects for the purposes of a database?

QC22. How can broadcasting undertakings locate Indigenous content in addition to a database?

Indigenous content online

96. Participants in Phase 1 explained that the new policy should address multiple forms of broadcasting (that is, radio, television and online) (page 46 of the What You Said report).

97. Recent amendments to the *Broadcasting Act* clearly bring online undertakings into the broadcasting system for Canada and give the CRTC new tools with which to regulate them.

QC23. As content creators, what are your needs in regard to online broadcasting services?

(a) How can the Indigenous Broadcasting Policy support those needs?

(b) How can the Indigenous Broadcasting Policy support Indigenous programming produced for online broadcasting services?

Section D – Questions on respecting relationships with Indigenous peoples

98. The following questions touch on ways to enhance communication between the CRTC and Indigenous peoples, self-governance and self-determination issues related to broadcasting, and the creation of an Indigenous advisory group. For the full list of questions, see [section D of Appendix 1](#).

Communication and discussion between the CRTC and Indigenous peoples

99. Phase 1 participants requested that the CRTC work more closely with Indigenous broadcasters (page 45 of the What You Said report).

100. Participants also noted that those who are engaged through this co-development need to know what the CRTC is considering, and they need to have the time to review relevant documents and provide recommendations. They recommended the CRTC create a portal for regular communication while they keep their communities updated through appropriate communication channels (page 13 of the What You Said report).

QD1. What policy mechanisms and/or activities should be established to encourage ongoing discussions between the CRTC and Indigenous broadcasting undertakings on matters related to Indigenous broadcasting?

QD2. How could communication between the CRTC and Indigenous broadcasters and their audiences be improved as it relates to the regulatory process?

QD3. How can the CRTC increase participation by Indigenous peoples in its proceedings?

Questions on Indigenous self-governance and self-determination

101. Some participants in Phase 1 noted the importance of recognizing communities' need for self-governance, self-determination, and cultural preservation. Participants also suggested that, under ideal conditions, Indigenous peoples would develop their own broadcasting policies that would be regulated by their own independent body (page 39 of the What You Said report). While the *Broadcasting Act* identifies the CRTC as the single body responsible for the regulation and supervision of the broadcasting system in Canada, throughout this process, the CRTC has expressed a desire to work with Indigenous peoples on the co-development of the Indigenous Broadcasting Policy.

QD4. How can the CRTC support Indigenous communities in exercising their self-determination?

(a) How could the Indigenous Broadcasting Policy support this? Please elaborate on the roles and responsibilities for Indigenous communities and the CRTC.

QD5. How often should the Indigenous Broadcasting Policy be reviewed collaboratively?

102. Participants also noted the importance of implementing ownership, control, access and possession (OCAP®) principles¹⁵ (page 13 of the What You Said report).

QD6. What are some best practices to ensure Indigenous data sovereignty is respected where data collection related to broadcasting may be requested (for example, through annual filing requirements or report submission)?

Other issues not addressed

QD7. What other issues and concerns specific to the Indigenous Broadcasting Policy need to be addressed? How would you like to be engaged to provide solutions?

103. The CRTC encourages interested parties to submit any third-party studies that could provide relevant information to help shape the Indigenous Broadcasting Policy.

Procedure

Information sessions on how to participate

104. The CRTC will hold open information sessions for anyone interested in learning more about how to participate in this consultation. To take part, contact us by email at autochtones-indigenous@crtc.gc.ca or by phone at 1-877-249-2782.

Sharing your views on CRTC Conversations

105. You have until **22 July 2024** to share your views on [CRTC Conversations](#), the online engagement platform.

¹⁵ See [The First Nations Principles of OCAP](#).

106. The platform facilitates participation among people who may be less familiar with CRTC processes. It includes only select questions.

107. All submissions received via CRTC Conversations will be placed on the public record of this proceeding.

108. Please note that:

- The information provided is entered into a searchable database on the engagement platform.
- The comments provided will be attributed to the username given during the registration process on the platform.
- These comments and usernames are searchable with the help of third-party search engines.
- Any personal information submitted through the platform will also be searchable. Any information will be used and may be disclosed for the purposes for which the information was obtained or compiled by the CRTC, or for a use consistent with that purpose.

109. Participants who provide their views via CRTC Conversations will not be considered parties to this proceeding. In general, this means that they will not receive notice of other comments or procedural requests or changes, they may not participate in an oral hearing, and they may not be named (or required to participate) in any appeal of the CRTC's decision.

110. To become a party, you must submit a formal intervention via the online form, fax or traditional mail. Details on how to submit a formal intervention are provided below.

Submit an intervention

111. You have until **22 July 2024** to submit your comments to questions in this notice of consultation or in the summary.

112. If you wish to become a party to Phase 2 of this proceeding, you must file a formal intervention with the CRTC regarding the above-noted issues.

113. You can submit a formal intervention by:

- using our [intervention form](#);
- sending us a fax at 819-994-0218; or
- writing to us at CRTC, Ottawa, Ontario K1A 0N2.

Community-led engagement sessions

114. Communities and groups can provide their comments by holding engagement sessions to discuss ideas relating to this notice. For example, a group may represent the views of members of an Indigenous community, industry association, organization, interest group, or students studying at a registered educational institution.
115. You can submit a summary of your group's or community's comments by using our intervention form, sending us a fax, or writing to us, as noted above.
116. If you require assistance to help plan, facilitate or attend your community engagement session, contact us by email at autochtones-indigenous@crtc.gc.ca or by phone at 1-877-249-2782.
117. Funding may be available to Indigenous community-organized sessions that include Elders, youth and attendees from multiple geographic areas. For more information, please contact us at the email or phone number provided above.

Submitting your formal intervention

118. When preparing your submission, please note that:
 - Documents longer than five pages should include a summary.
 - Documents should have numbered paragraphs. In addition, where the submission is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been altered during electronic transmission.
 - In addition to English and French, submissions in Indigenous languages are also welcome (please indicate the language and dialect you are writing in).
 - Documents will be posted in the language and format in which they are received.
 - The CRTC will make every effort to translate and/or transcribe comments submitted in Indigenous languages into English and/or French, for the purpose of having them added to the public record. You can contact the [Public Hearings group](#) to request accommodation.
 - You are encouraged to submit documents in formats that are accessible to people with disabilities (for more information, see the [guidelines on creating accessible documents](#)).
 - The deadline to submit your comments to the CRTC is 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. You are responsible for ensuring the timely delivery of your submissions. You will not be notified if your submissions are received late. Late submissions will not be considered by the CRTC and will not be made part of the public record.

- The [*Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*](#) (the Rules of Procedure) apply to this proceeding. The [*Guidelines on the Rules of Procedure*](#) are meant to help members of the public understand the Rules of Procedure so that they may participate more effectively in CRTC proceedings.
- The CRTC will consider all comments that are part of the public record, including those submitted through the engagement platform, as long as the procedures outlined above have been followed.
- Additional information may be placed on the public record as it becomes available.
- The CRTC encourages you to monitor the record of this proceeding at www.crtc.gc.ca for additional information that you may find useful.
- Information on how to designate information as confidential can be found at paragraphs 120 to 122.

119. With respect to comments provided in writing, including those submitted as a result of the dialogue held in a community-led engagement session, please note that:

- Documents will be posted on the CRTC's website exactly as received. This includes any personal information contained in that document, such as full names, email addresses, postal/street addresses, and telephone and fax numbers.
- All personal information you provide as part of this public process, except information designated as confidential, becomes part of a publicly accessible file and will be posted on the CRTC's website.
- The information provided is entered into an unsearchable database dedicated to this public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the CRTC's website will not provide access to the information that was provided as part of this public process.
- The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the CRTC, or for a use consistent with that purpose.

Confidentiality

120. As part of this proceeding, you may designate some information as confidential on the basis of criteria set out in subsection 25.3(1) of the *Broadcasting Act*. This may include information provided at Q1., Q5. and Q6. If you wish to designate any information as confidential, you must provide an abridged version of the document along with an explanation of how the information is confidential. The abridged version of the document must omit only confidential information. Please insert the “#” symbol when you have omitted confidential information.

121. The confidential version of the document must be filed separately and must be marked “CONFIDENTIAL” on each page. If the document is filed electronically, please include “CONFIDENTIAL” in each file name.
122. The full procedure for filing confidential information is set out in Broadcasting and Telecom Information Bulletin 2010-961.

Accessible formats for people with disabilities

123. The CRTC requires regulated entities and encourages all parties to file submissions in accessible formats (for example, text-based file formats that enable text to be enlarged or modified, or read by screen readers) for this proceeding. For assistance, please see the [CRTC guidelines](#) for preparing documents in accessible formats.
124. When submitted documents are not filed in accessible formats, interested parties may contact the [Public Hearings group](#) to request that CRTC staff obtain those documents in accessible formats from the filing party.

Requesting accommodations to enable participation

125. To request accommodations or if you require assistance to submit your comments, contact the CRTC’s Public Hearings group.

Changes to the schedule

126. The CRTC will announce any changes to the proceeding schedule by issuing an amendment to this notice. You can see whether an amendment has been issued by:
 - monitoring the CRTC’s website; or
 - clicking on the “reference” number at the top of this document.

How to access documents on the public record of this proceeding

127. Links to submissions, replies and answers filed for this proceeding, as well as other documents referred to in this notice, are available on the CRTC’s “[Consultations and hearings: have your say](#)” page.
128. Documents are available upon request during normal business hours by contacting:

Documentation Centre
Examinationroom@crtc.gc.ca
Tel: 819-997-4389
Fax: 819-994-0218

Client Services
Toll-free telephone: 1-877-249-2782
Toll-free TTY: 1-877-909-2782

129. To access the relevant documents:

- use the public record number provided at the top of this notice, or visit the “[Consultations and hearings: have your say](#)” section of the CRTC’s website, then select “[Radio, TV and distribution \(broadcasting\) and Online News Act](#)”; and
- click the links in the “Subject” and “Related Documents” columns associated with this particular notice.

Secretary General

Related documents

- *Review of exemption orders and transition from conditions of exemption to conditions of service for broadcasting online undertakings*, Broadcasting Regulatory Policy CRTC 2023-331 and Broadcasting Order CRTC 2023-332, 29 September 2023
- *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC 2023-306 and Broadcasting Order CRTC 2023-307, 5 September 2023
- *Notice of hearing – The Path Forward - Working towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content*, Broadcasting Notice of Consultation CRTC 2023-138, 12 May 2023, modified by Broadcasting Notice of Consultations CRTC 2023-138-1, 9 June 2023, and 2023-138-2, 1 February 2024
- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *Canadian Broadcasting Corporation – Various audio and audiovisual services – Licence renewals*, Broadcasting Decision CRTC 2022-165 and Broadcasting Orders CRTC 2022-166 and 2022-167, 22 June 2022, modified by Broadcasting Decision CRTC 2022-165-1, 20 June 2023
- *Production Report to be completed annually by large English- and French-language ownership groups*, Broadcasting Information Bulletin CRTC 2019-304, 29 August 2019
- *Co-development of a new Indigenous Broadcasting Policy*, Broadcasting Notice of Proceeding CRTC 2019-217, 20 June 2019
- *CKOK-FM Nain – Request for an exemption or an extension of time to implement a public alerting system*, Broadcasting Decision CRTC 2018-212, 21 June 2018
- *Licensing of new radio stations to serve the Urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto*, Broadcasting Decision CRTC 2017-198, 14 June 2017

- *Renewal of licences for the television services of large English-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-148, 15 May 2017
- *Renewal of licences for the television services of large French-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-143, 15 May 2017
- *Let's Talk TV – The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*, Broadcasting and Telecom Information Bulletin CRTC 2010-961, 23 December 2010, modified by Broadcasting and Telecom Information Bulletin CRTC 2010-961-1, 26 October 2012
- *Canadian Association of Broadcasters' Best Practices for Diversity in Private Radio; Reporting requirements on cultural diversity for commercial radio operators*, Broadcasting Public Notice CRTC 2007-122, 2 November 2007
- *Introduction to Broadcasting Decisions CRT 2004-6 to 2004-27 renewing the licences of 22 specialty services*, Broadcasting Public Notice CRTC 2004-2, 21 January 2004
- *Representation of cultural diversity on television – Creation of an industry/community task force*, Public Notice CRTC 2001-88, 2 August 2001
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992
- *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990

Appendix 1 to Broadcasting Notice of Consultation CRTC 2024-67

Questions

This appendix contains the full list of questions set out in the notice of consultation for ease of reference.

Indigenous representation and gathering of basic personal information

Q1. If you are a member of the audience, are you (please identify all that apply):

- (a) A woman?
- (b) A youth?
- (c) An Elder?
- (d) A member of the 2SLGBTQI+ community?

Q2. If you are a broadcasting undertaking, are you operating (please identify all that apply):

- (a) Radio undertaking(s)? If so, what type of station do you operate (that is, commercial station, campus station, community station, ethnic station, Type A station, Type B station, Canadian Broadcasting Corporation/Radio-Canada or other not-for-profit stations)?
- (b) Television undertaking(s)? If so, what type of station/service do you operate (that is, a community television service, an over-the-air station, a discretionary service or an on-demand service)?
- (c) Online undertaking(s)?

Q3. Are you a broadcasting distribution undertaking (that is, television service provider)?

- (a) If so, please specify the type (for example, terrestrial-cable, terrestrial-Internet protocol television, direct-to-home, or satellite).
- (b) Do you operate a community television channel?

Q4. If you are a content creator, do you create content for (please identify all that apply):

- (a) Radio?
- (b) Television?
- (c) Online undertakings?

Q5. Do you identify as:

- (a) First Nation? If so, do you live in your community?
- (b) Inuit? If so, do you live in your community?
- (c) Métis? If so, do you live in your community?

Q6. Please provide the first three characters of your postal code.

Section A – Questions for audience members

Programming needs

QA1. In what ways do Indigenous broadcasting services meet your needs and interests?

- (a) How can these services be improved to ensure that they better meet your needs and interests?
- (b) Do the programs and content respectfully/accurately reflect you and/or your community?
- (c) How could programming be more relevant and reflective?
- (d) How do you receive programming services (over-the-air, cable, direct-to-home [satellite], or online)?

QA2. In what ways do non-Indigenous programming services meet your needs and interests?

- (a) Do the programs and content respectfully/accurately reflect you and/or your community?
- (b) How could programming be more relevant and representative?

QA3. Do you have any challenges accessing and discovering Indigenous programming (radio, television and/or online streaming, which includes music, television shows, videos, films, news, weather, sports, podcasts, and community information)?

- (a) What solutions would you suggest to address these challenges?

Reflection in local programming

QA4. How could broadcasting undertakings that serve your area better share and support the success stories from your local Indigenous community?

QA5. What is your opinion on non-Indigenous broadcasting undertakings broadcasting Indigenous news and programming related to Indigenous communities in their regions?

- (a) Would this benefit all audiences in the region?

(b) Are there any barriers that prevent you from accessing regional/local Indigenous programming?

(c) What do you suggest to reduce these barriers?

Indigenous languages

QA6. Does the programming you receive (such as music, spoken word, and video content) serve your needs and interests?

(a) What could be improved?

(b) Should Indigenous programming be offered in one or multiple Indigenous languages? Please explain.

Accountability through community self-governance and self-determination

QA7. How can broadcasting undertakings and content creators respect the self-determination of Indigenous peoples in the communities they serve?

(a) What mechanisms should be put in place for implementation and supervision of the Indigenous Broadcasting Policy?

National Public Alerting System – Considerations for serving Indigenous audiences

QA8. Do you agree that public alerts and warnings need to be broadcast in Indigenous languages?

(a) Which Indigenous languages should be prioritized if the public alerts cannot be provided in all Indigenous languages?

(b) Are any other changes needed to the way National Public Alerting System (NPAS) emergency alerts are communicated to better serve Indigenous communities?

Section B – Questions for broadcasting undertakings

An Indigenous undertaking, as defined in *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990, is owned and controlled by a not-for-profit organization whose structure includes board membership by the Indigenous population of the region it serves. Its programming can be in any Indigenous language or in English and/or French. Its programming should be oriented to and reflect the interests and needs of the Indigenous audience it serves, and it should encourage the development of Indigenous cultures and the protection of ancestral languages.

QB1. Does the current definition of an Indigenous undertaking meet your needs and expectations?

(a) Does this definition create any unintentional barriers?

- (b) Is this definition practical and easy to use?
- (c) How could it be improved? Please explain.

Regulatory categories, ownership and control of Indigenous radio stations

QB2. How would you improve the criteria for existing types of Indigenous radio stations to serve community members without creating undue regulatory burden?

QB3. Are there challenges resulting from having non-Indigenous radio stations in the same place as a low-power Indigenous radio station? If so, how would you address these issues?

QB4. How could regulatory processes be changed to allow Indigenous broadcasting services to be more easily established, and once launched, better supported?

QB5. Are there advantages or challenges faced by Indigenous broadcasting undertakings because of the current ownership and control requirements?

- (a) How should these requirements be modified?

QB6. Are there instances where it could be beneficial to operate Indigenous radio stations in a similar way as commercial radio stations? Please elaborate.

QB7. What are the advantages and disadvantages of having the existing two distinct categories of Indigenous radio stations (Type A and Type B)?

QB8. What modifications to the definitions of Type A and Type B stations are required, and why?

QB9. Other than advertising opportunities, what mechanisms could provide stable revenue sources for Indigenous radio stations?

Support for small Indigenous audio-visual services

QB10. What could the Canadian Radio-television and Telecommunications Commission (CRTC) do to make it easier for small Indigenous discretionary audio-visual services to enter and operate in the broadcasting system in small or remote communities?

QB11. Is there a role for community television in Indigenous communities?

- (a) How can the CRTC support the broadcast of this programming?

Success in serving Indigenous communities

QB12. What criteria should be considered in the definition of success for Indigenous broadcasters?

- (a) What does success look like for an Indigenous broadcasting undertaking?

(b) Should this definition be flexible for different circumstances?

QB13. As an Indigenous broadcasting undertaking, how do you ensure that the programming you offer serves the interests and needs of Indigenous listeners/viewers?

(a) How do you measure this?

(b) What kind of performance indicators do you use?

(c) Are there any organizations who could help the CRTC establish the performance indicators and measurements of success?

QB14. What reporting mechanisms do you use to ensure you are accountable to your community's listeners/viewers?

QB15. What would the new model for success look like and how could these measurements of success be reflected in the new regulatory framework?

QB16. How do you define co-monitoring?

(a) Do you know of any existing criteria for co-monitoring? If so, please elaborate.

Distinctions-based policy

QB17. What are the specific needs of each distinction-based group (First Nations, Inuit and Métis peoples)?

(a) How can the Indigenous Broadcasting Policy ensure the specific needs of each group are met? Please provide examples.

Indigenous broadcasting infrastructure

QB18. Please provide further context on current infrastructure issues in your community. Are there any potential solutions to address them through the Indigenous Broadcasting Policy?

QB19. How does low quality connectivity such as slow or unreliable Internet service affect access to Indigenous broadcasting content? Please elaborate on how this impacts the listeners/viewers. How do you deal with these challenges?

The implementation of the NPAS by broadcasters

QB20. What are the benefits and/or challenges to the implementation of the NPAS? What solutions would you recommend that can be addressed through policy changes?

QB21. In what way do Indigenous broadcasters require support for implementing the NPAS? Please provide a detailed explanation.

Indigenous-led centre of expertise for broadcasting undertakings

QB22. What are the benefits and challenges to establishing an Indigenous-led and Indigenous-managed broadcasting association?

QB23. Who would be best positioned to create, organize and manage such an organization?

(a) Should the CRTC be involved? If so, please explain how.

Supporting Indigenous languages and cultures

QB24. Are you aware of any community-led initiatives to help preserve Indigenous languages?

(a) Are any of these efforts linked to broadcasting aspects (radio/television/online)?

QB25. How can the Indigenous Broadcasting Policy further support Indigenous broadcasting undertakings' efforts to preserve Indigenous languages and cultures?

QB26. How does the broadcast of Indigenous languages to a larger audience contribute to promoting and revitalizing Indigenous languages?

Language barriers faced by Indigenous broadcasting undertakings

QB27. Can you provide examples of language barriers that Indigenous broadcasting undertakings located in specific areas face, as well as possible solutions that the Indigenous Broadcasting Policy can provide?

Potential partnerships between Indigenous and non-Indigenous broadcasting undertakings

QB28. What could potential partnerships between Indigenous and non-Indigenous broadcasting undertakings, such as internships and professional development initiatives, look like? Please provide examples of possible scenarios or existing partnerships.

Indigenous presence on air and in operations in the non-Indigenous broadcasting sector

QB29. What efforts do you currently make to offer programming that serves the interests and needs of Indigenous listeners/viewers and supports Indigenous content creators?

QB30. How can non-Indigenous broadcasting undertakings better serve the interests and needs of Indigenous listeners/viewers and support Indigenous content creators?

QB31. How can non-Indigenous broadcasting undertakings ensure greater representation of Indigenous stories in the content they provide?

(a) Are there any barriers to representing Indigenous stories? What do you propose to reduce these barriers?

QB32. What efforts have you made to hire Indigenous employees:

(a) on air (for example, actors, hosts, reporters); and

(b) in the operations (behind the microphone or camera)?

Reporting on equitable portrayal of Indigenous peoples

QB33. Are there reporting measures or other actions that could be applied to support anti-discriminatory, and culturally sensitive representation of Indigenous peoples in broadcasting, including but not limited to Indigenous women, girls, and 2SLGBTQI+ people, to be inclusive of diverse Indigenous cultural backgrounds?

Educational opportunities and Indigenous advisors

QB34. Do you have examples of opportunities to learn about Indigenous protocols, history, traditions, cultural awareness and respect being provided to non-Indigenous peoples working in the broadcasting industry?

QB35. What are your views on broadcasting undertakings obtaining the services of an Indigenous advisor to explain traditions and protocols and to discuss cultural awareness to ensure that content is appropriate?

(a) How can this be implemented by broadcasting undertakings?

(b) How can this be monitored through the Indigenous Broadcasting Policy?

(c) Are there other ways that this objective could be achieved?

Section C – Questions in support of Indigenous content

Supporting Indigenous content creators in their Indigenous languages

QC1. How can the CRTC encourage the inclusion of Indigenous-language content in the programming broadcast by non-Indigenous broadcasting undertakings?

(a) What kind of means or metrics for success could be used to achieve this goal?

QC2. What incentives or measures could help Indigenous content creators fully participate in the broadcasting system in Canada by getting their content broadcast in Indigenous languages?

Current definition of Indigenous audio content

In *Licensing of new radio stations to serve the urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto*, Broadcasting Decision CRTC 2017-198, 14 June 2017, the CRTC required five new Indigenous radio stations to devote a certain percentage of their music selections to Indigenous-created content. That decision defined an Indigenous musical selection as “a musical selection written or performed by an individual who has Canadian citizenship and who self-identifies as Indigenous, which includes First Nations, Métis or Inuit.”

QC3. What are some existing guidelines that could be used to respectfully ensure the Indigeneity of audio content prior to being broadcast?

QC4. Is the definition above adequate for the purpose of ensuring the presence of Indigenous music in the broadcasting system? Please explain.

QC5. What other definitions of Indigenous audio content should be considered?

(a) Are there other definitions in use today that are widely accepted by Indigenous content creators and could be used for regulatory purposes? If so, please provide details and the sources of these other definitions.

QC6. What organization(s), if any, should contribute to defining and identifying Indigenous audio content?

Current definition of Indigenous audio-visual content and the certification process

In *Canadian Broadcasting Corporation – Various audio and audiovisual services – Licence renewals*, Broadcasting Decision CRTC 2022-165 and Broadcasting Orders CRTC 2022-166 and 2022-167, 22 June 2022, the CRTC defined an “Indigenous producer” as an individual who self-identifies as Indigenous, which includes First Nations, Métis or Inuit, and who resides in Canada, or an independent production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and who reside in Canada. In regard to the definition of “independent production company,” a “Canadian company” also includes a production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and reside in Canada.

QC7. Do the definitions presented above properly define Indigenous content?

(a) Will it help to ensure the presence of Indigenous audio-visual content in the broadcasting system? Please explain.

QC8. What are some existing guidelines that could be used to respectfully ensure the Indigeneity of audio-visual content prior to being broadcast?

QC9. What other definitions of Indigenous audio-visual content should be considered?

(a) Are there other definitions in use today that are widely accepted by Indigenous content creators and could be used for regulatory purposes? If so, please provide details and sources of these other definitions.

QC10. What organization(s), if any, should contribute to defining and identifying Indigenous audio-visual content?

Supporting the broadcasting and discoverability of content created by Indigenous content creators

QC11. How can the Indigenous Broadcasting Policy ensure that non-Indigenous broadcasting undertakings have access to Indigenous content and that this content is effectively broadcast by non-Indigenous services?

QC12. What measures could non-Indigenous broadcasting undertakings undertake to help ensure that Indigenous content can be found and easily discovered by all audiences, including Indigenous listeners/viewers?

Accountability

QC13. How can the Indigenous Broadcasting Policy create space for monitoring by Indigenous peoples to ensure Indigenous narratives and stories are representative?

Funding mechanisms

QC14. Apart from the measures contemplated in *Notice of hearing – The Path Forward – Working towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content*, Broadcasting Notice of Consultation CRTC 2023-138, 12 May 2023, what additional policy initiatives could ensure a stable financial base for the creation, production, promotion, and distribution of Indigenous content?

Quotas and expenditures

QC15. What are your views on non-Indigenous radio broadcasters being required to devote a percentage of their broadcast time to Indigenous-created content, including music and spoken word in Indigenous languages?

(a) What percentage would you recommend?

QC16. What other regulatory mechanisms could help ensure the inclusion of Indigenous content and storytelling on non-Indigenous radio?

QC17. Is the current 35% level of Canadian content on Indigenous radio stations still appropriate?

(a) Should the levels be modified or replaced by new requirements. If so, how?

QC18. What measures should the CRTC take to help ensure the broadcast of Indigenous content on non-Indigenous audio-visual services?

(a) Could other means be more appropriate than expenditure or exhibition requirements to meet this objective?

QC19. Should these means be applicable to all broadcasting undertakings? Please explain.

Indigenous content database

QC20. Are there existing databases that could be used for the locating, identifying and accessing Indigenous content? If so, please provide details, such as the ownership and administration of the database and the level of information provided.

QC21. Who is best positioned to address self-identification aspects for the purposes of a database?

QC22. How can broadcasting undertakings locate Indigenous content in addition to a database?

Indigenous content online

QC23. As content creators, what are your needs in regard to online broadcasting services?

(a) How can the Indigenous Broadcasting Policy support those needs?

(b) How can the Indigenous Broadcasting Policy support Indigenous programming produced for online broadcasting services?

Section D – Questions on respecting relationships with Indigenous peoples

Communication and discussion between the CRTC and Indigenous Peoples

QD1. What policy mechanisms and/or activities should be established to encourage ongoing discussions between the CRTC and Indigenous broadcasting undertakings on matters related to Indigenous broadcasting?

QD2. How could communication between the CRTC and Indigenous broadcasters and their audiences be improved as it relates to the regulatory process?

QD3. How can the CRTC increase participation by Indigenous peoples in its proceedings?

Questions on Indigenous self-governance and self-determination

QD4. How can the CRTC support Indigenous communities in exercising their self-determination?

(a) How could the Indigenous Broadcasting Policy support this? Please elaborate on the roles and responsibilities for Indigenous communities and the CRTC.

QD5. How often should the Indigenous Broadcasting Policy be reviewed collaboratively?

QD6. What are some best practices to ensure Indigenous data sovereignty is respected where data collection related to broadcasting may be requested (for example, through annual filing requirements or report submission)?

Other issues not addressed

QD7. What other issues and concerns specific to the Indigenous Broadcasting Policy need to be addressed? How would you like to be engaged to provide solutions?

Appendix 2 to Broadcasting Notice of Consultation CRTC 2024-67

Current state of the Indigenous broadcasting regulatory framework

The original Native Broadcasting Policy, now referred to as the Indigenous Broadcasting Policy (the Policy) set out definitions, licensing processes and regulatory requirements for Indigenous broadcasters in Canada.

While there has been no comprehensive review of the Policy since 1990, updates have been made over the years. Here are the main elements of the Policy in its current state:

- Indigenous broadcasting undertakings in Canada must be owned and controlled by a not-for-profit organization. The organization's structure must allow for board membership from the Indigenous community the undertaking serves.
- These undertakings must provide programming that reflects the interests and needs of, and are specifically oriented to, the Indigenous community or communities they serve. They have a distinct role in fostering Indigenous cultures and preserving Indigenous languages. Programming can be broadcast in English, French or any Indigenous language spoken in Canada.
- As defined in the Policy, an Indigenous program is a program in any language directed specifically towards a distinct Indigenous audience, or a program about any aspect of the life, interests or culture of Indigenous peoples living in Canada. The Policy does not set out quotas for broadcasting a minimum amount of Indigenous programs or music in Canada. However, some broadcasting services may have specific licensing requirements to do so, whereas others may choose to do so at their own discretion.
- The Policy establishes two types of categories for Indigenous radio stations, which are subject to different conditions:
 - Type A stations are those allowed to operate when there is no other licensed commercial AM or FM radio station operating in all or in part of the same geographical area. Type A stations have very minimal regulatory requirements and do not require a licence to operate. They must apply to the Department of Industry (also known as Innovation, Science and Economic Development Canada, hereafter the Department) to obtain a frequency and broadcast certification, and are requested to complete registration form 156 acknowledging that they have determined that they meet all exemption criteria set out in Appendix 3 to *Amendments to exemption orders from various types of radio programming undertakings*, Broadcasting Regulatory Policy CRTC 2018-137, 27 April 2018, and therefore are exempt from licensing obligations. Once in operation, they can air commercials, and there are no limits imposed on these stations with regard to the amount of advertising. Currently, there are approximately 100 Type A exempt Indigenous radio stations in Canada.

- Type B stations are those allowed to operate when there is at least one other licensed commercial AM or FM radio station operating in all or any part of the same geographical area. They must apply to the Department to obtain a frequency and broadcast certification. Unlike Type A exempt stations, Type B stations are licensed, and therefore must complete and submit application form 103 to obtain a broadcasting licence. Currently, there are more than 50 Type B Indigenous radio stations and numerous rebroadcasting transmitters throughout Canada.
- As a result of changes introduced in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, the “Promise of Performance” referred to in the original policy is no longer required when applying for a new licence or at licence renewal.
- In *Changes to conditions of licence for certain native radio undertakings*, Public Notice CRTC 2001-70, 15 June 2001, the Canadian Radio-television and Telecommunications Commission (CRTC) made changes to the original policy to align certain radio-specific requirements with the commercial radio sector, while also reducing certain regulatory restrictions. As a result, Type B Indigenous broadcasting undertakings are:
 - no longer subject to advertising limits on radio;
 - required to ensure that a minimum amount (35%) of their musical selections broadcast each week be Canadian – which includes Indigenous-created music; and
 - encouraged to use programming from other Indigenous stations or network programmers when using program blocks originating from other radio stations.

The Indigenous broadcasting landscape also features a licensed, national discretionary television service: the Aboriginal Peoples Television Network (APTN). Consistent with the Policy, APTN is owned by a not-for-profit organization. It operates three regional feeds of its national service (APTN East, APTN West and APTN North) and one high-definition feed (APTN HD).¹⁶ APTN is required to broadcast a minimum number of hours of programming in Indigenous languages each week, which varies for each of its feeds. APTN benefits from a mandatory distribution order. As such, APTN counts among the audio-visual services that automatically come with the digital basic service package, such as local television stations, provincial educational services, community channels and provincial legislature channels, if available.

Further to APTN, the CRTC is also examining applications by Nunavut Independent Television Network and Inuit TV Network for mandatory distribution across Canada on the digital basic service. Nunavut Independent Television Network and Inuit TV Network also requested broadcasting licences to operate their Inuit-owned and operated services. These applications were presented at a public hearing, as announced in *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2023-72, 15 March 2023.

¹⁶ APTN has filed an application (2023-0395-7) with the CRTC to change its existing four regional broadcast feeds with two broadcast feeds. The first proposed feed would be dedicated to Indigenous-language programming while the second would be dedicated to English- and French-language programming. The CRTC has not published a decision on the matter yet.

Indigenous peoples play an important role in all aspects of the broadcasting system. They may operate any type of broadcasting service, including in the commercial sector, as long as they meet the obligations and expectations of that service.

As per Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014, broadcasters and distribution undertakings, including Indigenous radio and television, must fully participate in Canada's National Public Alerting System, with some exceptions.

Appendix 3 to the Broadcasting Notice of Consultation CRTC 2024-67

Section A – Relevant provisions of the *Broadcasting Act*

The questions in this notice are guided by the objectives of the broadcasting policy for Canada that are set out in the *Broadcasting Act*. Specifically,

- subparagraph 3(1)(d)(iii) provides that the broadcasting system in Canada should, through its programming and employment opportunities arising out of its operations, serve the needs and interest of all Canadians and reflect their circumstances and aspirations, including the special place of Indigenous peoples and languages within the Canadian society;
- subparagraph 3(1)(d)(iii.1) provides that the broadcasting system in Canada should provide opportunities to Indigenous persons to produce programming in Indigenous languages, English or French, or in any combination of them, and to carry on broadcasting undertakings;
- subparagraph 3(1)(i)(ii.1) provides that the programming provided by the broadcasting system in Canada should include programs produced by Canadians that cover news and current events and that reflect the viewpoints of Canadians, including the viewpoints of Indigenous persons;
- subparagraph 3(1)(i)(ii.2) provides that the programming provided by the broadcasting system in Canada should reflect the importance of Indigenous language revitalization by supporting the production and broadcasting of Indigenous language programming, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and in response to the Truth and Reconciliation Commission of Canada's Calls to Action;
- paragraph 3(1)(o) provides that programming that reflects the Indigenous cultures of Canada and programming that is in Indigenous languages should be provided – including through broadcasting undertakings that are carried on by Indigenous persons – within community elements, which are positioned to serve smaller and remote communities, and other elements of the broadcasting system in Canada in order to serve Indigenous peoples where they live; and
- paragraph 5(2)(a) provides that the broadcasting system in Canada should be regulated and supervised in a flexible manner that takes into account the different characteristics of English, French and Indigenous language broadcasting and the different conditions under which broadcasting undertakings that provide English-, French- or Indigenous-language programming operate and the specific needs and interests of official language minority communities in Canada and of Indigenous peoples.

On a more general level, the Canadian Radio-television and Telecommunications Commission also considers the following objectives set out in the *Broadcasting Act* to be important considerations for this proceeding:

- paragraph 3(1)(f) declares that each Canadian broadcasting undertaking shall employ and make maximum use, and in no case less predominant use, of Canadian creative and other human resources in the creation, production and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources; and
- paragraph 3(1)(f.1) declares that each foreign online undertaking shall make the greatest practicable use of Canadian creative and other human resources, and shall contribute in an equitable manner to strongly support the creation, production and presentation of Canadian programming, taking into account the linguistic duality and the market they serve; and
- paragraph 3(1)(r) declares that online undertakings shall clearly promote and recommend Canadian programming, in both official languages as well as in Indigenous languages, and ensure that any means of control of the programming generates results allowing its discovery.

Section B – Informative sections of other frameworks identified by participants in Phase 1

The Report on the Royal Commission for Aboriginal Peoples, 1996

The following conclusions and recommendations made in Chapter 6 (Arts and Heritage) of [Volume 3 \(Gathering Strength\)](#) may be informative:

3.6.12 The Canadian Radio-Television and Telecommunications Commission [(CRTC)] include in licence conditions for public and commercial broadcasters, in regions with significant Aboriginal population concentrations, requirements for fair representation and distribution of Aboriginal programming, including Aboriginal language requirements. [Page 592]

3.6.17 The CRTC be mandated to establish fee structures and provisions for joint ventures as part of licensing conditions to ensure a stable financial base for the production and distribution of Aboriginal broadcast media products, particularly in southern Canada. [Page 597]

The following immediate step stated in Chapter 4 (Public Education: Building Awareness and Understanding) of [Volume 5 \(Renewal: A Twenty-Year Commitment\)](#) may also be informative:

The media could be encouraged to give special attention to the achievements of Aboriginal people, with the CRTC in particular promoting greater visibility for Aboriginal people and issues through radio, television, and cable networks. [Page 104]

The Articles set out in the framework for reconciliation by the United Nations Declaration on the Rights of Indigenous Peoples, 2007

The following Articles may be informative:

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with [I]ndigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that [I]ndigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the [I]ndigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among [I]ndigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-Indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect [I]ndigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect [I]ndigenous cultural diversity.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own [I]ndigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the [I]ndigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

The Calls to Action set out in the Truth and Reconciliation Commission Calls to Action Report, 2015

The following Calls to Action may be informative:

Language and culture

13. We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

14. We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:

- (i) Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.
- (ii) Aboriginal language rights are reinforced by the Treaties.
- (iii) The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.
- (iv) The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
- (v) Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.

Canadian governments and the *United Nations Declaration on the Rights of Indigenous Peoples*

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.

Professional development and training for public servants

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Business and reconciliation

92. We call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

- (i) Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
- (ii) Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
- (iii) Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

The Calls for Justice that came out of Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019

The following Calls for Justice may be informative:

Call for Justice for All Governments: Culture

Section 2.7

We call upon all governments to adequately fund and support Indigenous-led initiatives to improve the representation of Indigenous Peoples in media and pop culture. [Page 180]

Call for Justice: Industries, Institutions, Services, and Partnerships

Calls for Media and Social Influencers:

Section 6.1

We call upon all media, news corporations and outlets, and, in particular, government-funded corporations and outlets; media unions, associations, and guilds; academic institutions teaching journalism or media courses; governments that fund such corporations, outlets, and academic institutions; and journalists, reporters, bloggers, film producers, writers, musicians, music producers, and, more generally, people working in the entertainment industry to take decolonizing approaches to their work and publications in order to educate all Canadians about Indigenous women, girls, and 2SLGBTQIA people. More specifically, this includes the following:

- (i) Ensure authentic and appropriate representation of Indigenous women, girls, and 2SLGBTQQIA people, inclusive of diverse Indigenous cultural backgrounds, in order to address negative and discriminatory stereotypes.
- (ii) Support Indigenous people sharing their stories, from their perspectives, free of bias, discrimination, and false assumptions, and in a trauma-informed and culturally sensitive way.
- (iii) Increase the number of Indigenous people in broadcasting, television, and radio, and in journalist, reporter, producer, and executive positions in the entertainment industry, including, and not limited to, by:
 - providing educational and training opportunities aimed at Indigenous inclusion; and
 - providing scholarships and grants aimed at Indigenous inclusion in media, film, and music industry-related fields of study.
- (iv) Take proactive steps to break down the stereotypes that hypersexualize and demean Indigenous women, girls, and 2SLGBTQQIA people, and to end practices that perpetuate myths that Indigenous women are more sexually available and “less worthy” than non-Indigenous women because of their race or background. [Page 187 to188]