



House of Commons  
CANADA

## **Standing Committee on Canadian Heritage**

---

CHPC • NUMBER 019 • 2nd SESSION • 39th PARLIAMENT

---

**EVIDENCE**

**Tuesday, March 4, 2008**

—  
**Chair**

**Mr. Gary Schellenberger**

Also available on the Parliament of Canada Web Site at the following address:

**<http://www.parl.gc.ca>**

## Standing Committee on Canadian Heritage

Tuesday, March 4, 2008

•(1535)

[English]

**The Chair (Mr. Gary Schellenberger (Perth—Wellington, CPC)):** I call to order meeting number 19 of the Standing Committee on Canadian Heritage, pursuant to the order of reference of Tuesday, October 16, 2007, Bill C-327, An Act to amend the Broadcasting Act (reduction of violence in television broadcasts). We welcome Mr. Bigras.

Please give your opening statement, sir.

[Translation]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Thank you very much, Mr. Chairman.

I want to thank the committee for allowing me to appear. I have prepared a short brief, which I have unfortunately not had time to translate, given the short lead time for today's meeting.

Colleagues, in November 1992, a 13-year-old girl named Virginie Larivière, who had just lost her sister in a heinous crime, submitted a petition to Prime Minister Brian Mulroney that was signed by over 1.5 million Canadians calling for legislation to reduce violence on television. At the time, this young girl's action provoked a great deal of public debate about the role of the government, broadcasters and parents in the face of the ubiquitous violence shown on the small screen.

The response from broadcasters and the CRTC was swift. A few months later, in 1993, the Canadian Radio-Television and Telecommunications Commission, the CRTC, brought in the Voluntary Code Regarding Violence in Television Programming, which was developed by the Canadian Association of Broadcasters.

By signing on to the code, private broadcasters in Canada publicly endorsed the following principles: that programming containing scenes with gratuitous violence not be broadcast; that young children not be exposed to programming that is not age-appropriate; and that viewers be informed of the content of programs that they choose to watch.

In June 1993, the House of Commons Standing Committee on Communications and Culture concluded that the self-regulation approach needed to be given a chance. However, the committee did agree that if that approach did not work, legislation would need to be considered.

Where are we 15 years on? An analysis done by Laval University's Media Study Centre in December 2004 indicated that the number of acts of physical violence on television had increased

by 286% in 10 years, with 81% of those acts of violence occurring in programming beginning before 9:00 p.m. and 29% occurring in psychological films.

Of course, the figures can be presented in different ways, but it is clear that television violence is widespread to the point that it influences the behaviour of our young people. It has to be concluded that the voluntary approach used with broadcasters does not seem to have given the desired results 15 years after the voluntary code was adopted.

In Quebec, the report by Dr. Catherine Rudel-Tessier as a result of her coroner's inquest into the death of an 11-year-old boy on December 31, 2005, is still fresh in people's minds.

In her report, the coroner described Simon as a lively, healthy boy with a bit of a sense of adventure. On December 30, 2005, at around 7:00 p.m., Simon and his father decided to watch the movie *The Patriot* on television.

As the report indicates, the plans of Simon and his father to watch the movie together changed when an unexpected visitor arrived. The child started to watch the movie alone, and his father promised that he would come and join him. At around 8:10 p.m., the boy was found hanging from the ceiling with *The Patriot* still playing on the television. The movie was rated "13 and over with violence" in Canada.

According to the coroner, there was nothing to indicate that the boy had committed suicide. She said that he had almost certainly been trying to play out a scene from the film shown at 7:34 p.m. where the hero's oldest son is brought by soldiers to be hung from a tree. According to the coroner, Simon may also have been influenced by another scene, which was shown at 8:01 p.m.

Finally, she questioned whether the film should have been shown at 7:00 p.m.

Similarly, under the voluntary code, the French version of the movie *Striking Distance* was shown at 8:00 p.m. on a major network on August 16, 2006; it was rated "18 years and over with violence and coarse language" and the movie *Cradle 2 the Grave* was shown in its French version on September 12, 2007, at 8:00 p.m.; it is rated "14 years and over with scenes of violence and coarse language."

I sincerely think that it is time to act.

I would remind you that, in 1993, the House of Commons Standing Committee on Communications and Culture, which is now the Committee on Canadian Heritage, concluded that self-regulation needed to be given a chance to work. However, the committee agreed that if that approach did not work, legislation would have to be considered. That is the spirit behind Bill C-327.

The bill before you today would require the CRTC to adopt regulations to limit violence on television, force it to monitor compliance by broadcast licence holders with their obligations concerning violence, and sanction those that violate the rules, as well as require it to hold hearings every five years to assess the results of this approach.

In closing, over 15 years after adoption of the voluntary approach, it is clearly time to take a regulatory approach. Our children and the teachers that work with them day-to-day deserve it.

Thank you very much.

● (1540)

[English]

**The Chair:** Thank you.

Our first question will come from Mr. Bélanger.

[Translation]

**Hon. Mauril Bélanger (Ottawa—Vanier, Lib.):** Thank you, Mr. Chairman.

Welcome, Mr. Bigras. Have you had discussions not only about the time of day when certain movies and shows are broadcast, but also about the programming itself?

There is another debate going on in Parliament and elsewhere about programs and films that might not receive funding from the government, etc. If possible, I would like us to make a distinction between that debate, which will certainly be held in the days and weeks ahead, and the issue of when programs containing violence should be shown on television. In your discussions and research when you were preparing your bill and your presentation here today, have you made that distinction?

**Mr. Bernard Bigras:** Of course. We absolutely need to strike a balance between freedom of expression and the protection and best interest of our children. It is important not to limit freedom of expression, but we need to guarantee that our children have quality television.

To begin with, the bill does not specify what the regulations should be. It simply states that regulations concerning violence on television must be added to the Canadian Broadcasting Act. The regulations would be defined through public debate, in which parliamentarians could perhaps participate through the Committee on Canadian Heritage. Ideally, the draft regulations should be reviewed by parliamentarians.

Second, regarding appropriate broadcast times, there is no intent here to prohibit a given film from being broadcast. That must be very clear. To do so would be unconstitutional and a violation of people's freedom of expression. It simply says that the broadcast time must be appropriate. Would it be possible for films rated "13 years and over with violence" or "18 years and over with violence and coarse

language" to be shown after prime time for children? Is that 9:00 p.m.? Is it 10:00 p.m.? That issue is still being debated. There needs to be a debate about it.

In my opinion, it is clear that the Canadian Broadcasting Act needs to have regulations in this area. That is the objective of Bill C-327.

**Hon. Mauril Bélanger:** Are you aware of the technological or technical proposals that have been made? There has long been talk of a silicone chip being used by parents or babysitters to program the television so that extremely violent shows cannot be watched at certain times or not at all.

When you drafted your bill, did you consult anyone on this matter and look at the results of that technology?

● (1545)

**Mr. Bernard Bigras:** That technology is now integrated in all new televisions. Fifteen years ago, it was in its infancy but now it is in all televisions sold on the market.

However, between you and me, if you ask most people whether they knew that their televisions contained this chip, the answer would generally be no. Moreover, in her April 11 report, Dr. Rudel-Tessier states very clearly that she feels that those measures may not be adequate, and she urges parents to monitor what their children are watching on TV using a V-chip, which is integrated into the newer television models and automatically filters programs.

So this technology is currently available. However, I believe that it is too early to conclude that this chip is the solution to protecting our children from what is shown on the small screen.

**Hon. Mauril Bélanger:** In your opinion, if parents were aware of this chip and did use it, would it be a solution?

**Mr. Bernard Bigras:** There's another problem, which is the rating system. The movie *The Patriot*, for example, has been rated "13 years and over" here in Canada, whereas parents in the United States are advised that their child should be accompanied by someone over the age of 17. So it is not just a matter of technology, but also one of rating systems and education. Finally, while education is absolutely necessary, it does not solve all the problems.

**Hon. Mauril Bélanger:** Thank you, Mr. Chairman.

[English]

**The Chair:** Thank you.

We'll go to Ms. Mourani, please.

[Translation]

**Mrs. Maria Mourani (Ahuntsic, BQ):** Good afternoon, Mr. Bigras.

I would first like to congratulate you on this bill, since I think that our children's lives are important and the examples that you gave were really very tragic.

I would like to hear from you about the link that can be made between violence on television and the victimization of children, violence among children, basically the impact that television violence can have on children. Is it really so tragic or is this a tempest in a teapot?

**Mr. Bernard Bigras:** To begin with, we need to distinguish two types of violence. There is physical violence and psychological violence. A new study has just come out on this subject. I hope that the committee will have the opportunity to hear from Guy Paquette and Jacques de Guise from Laval University's Media Research Centre, who have been studying this issue for many years and published a report in 2004. By the way, they can no longer do such studies because the Government of Canada has decided to withdraw the necessary funding from the centre.

Their research shows that violence can be divided into two types: physical violence and psychological violence, which is increasingly difficult to define. There is no adequate definition of psychological violence. There is more and more psychological violence and it is increasing dramatically, even more so than physical violence.

Many teachers in Montreal have told me that children tend to imitate what they see and what they hear. One teacher told me that some children out in the school yard throw their school bags around to imitate *Pokemon* characters. So teachers are on the front lines and they see that when children have watched violent shows the night before, they tend to act out more. There have been over 3,000 studies on this issue of violence. Children clearly tend to imitate what they see. I think that we need to be aware of that and especially of the fact that there is more and more psychological violence.

• (1550)

**Mrs. Maria Mourani:** We are talking about violence on television in general. In fact, this includes both movies and cartoons. Are you referring to all kinds of programming, when you talk about violence on television?

**Mr. Bernard Bigras:** I am talking about programs that are the most accessible to our children. I could give you the example of young people who, for example, after having listened to the evening news and seen the hanging of Saddam Hussein, tried to imitate what they saw. Two deaths were linked to this in the world.

We must be very careful, but it is clear that when our children watch certain programs, we must be sensitive to the fact that they have a tendency to imitate what they see.

Ms. Rudel-Tessier's report is crystal clear on this issue. Also, various studies by well-known psychologists have demonstrated the existence of this imitation by children of things they see in violent cartoons or movies.

**Mrs. Maria Mourani:** I will take the example of cartoons, because my son often watches channels that specialize in them. Sometimes I watch them too. Some very vulgar language comes out of the mouths of some of these animated characters. Sometimes one feels that this is not intended for children who are 10, 11 or 12 years old, but rather for youths that are 14 to 16, or even more, sometimes 18 years old. But we are talking about cartoons.

Should we also regulate cartoons that might be found to be too violent or have vulgar and disparaging language?

**Mr. Bernard Bigras:** As an example, we could talk about *South Park* or others. First of all, we have to properly classify these kinds of programs. That is the first step to take, and that is true both for movies and for cartoons.

We must begin by establishing a strict classification system. It is true that south of the border, on the American side, there is a lot of violence. However, if we compare the Canadian classification system to the American one, we realize that the American system is more rigorous. We must therefore establish a classification system. Clearly, if cartoons are rated "18 years and over" because they have vulgar language, they should only be broadcast after 9:00 p.m.

**Mrs. Maria Mourani:** I have a final question.

[*English*]

**The Chair:** Mr. Siksay is next, please.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Thank you, Chair.

Thank you for being here today, Mr. Bigras.

I know this is something you've worked on for a long time, and I commend you for following up on the efforts of Virginie Larivière and the millions of Canadians who supported her campaign.

Monsieur Bigras, I wonder if you can tell us a little bit about organizations or individuals who have supported your bill. It's been around for a while, and I wonder if there are organizations and individuals who've come on board to say they think this is an appropriate way to go and have commended the work you've done.

[*Translation*]

**Mr. Bernard Bigras:** Yes, of course. As you said, the bill in a sense is a kind of follow-up of Bill C-470, which I had tabled at the beginning of 2000 if memory serves me well. From that, in Quebec, we set up a coalition to support the bill, including among others the Centrale des syndicats du Québec, which includes the biggest Quebec teachers' union who experience this reality on a daily basis.

I am also thinking of the Fédération des intervenantes en petite enfance du Québec, which was part of the CSN at the time. TROP, the anti-violence organization whose spokesperson is the well-known actor René Caron, also comes to mind. Mr. Caron toured schools in order to make young people more aware of violence on television. I think of organizations like these who are working with our children daily and who wish for more peace on the airwaves. In fact, television is a means of transmission.

Of course, there are other modes of transmission. I'm thinking of the Internet, of video games. But television, and the regulation of violence on it, is the first medium that we must attack. This medium is symbolic and deserves all of our attention.

• (1555)

[*English*]

**Mr. Bill Siksay:** Has there been any feedback from the creators of television programs and films to the kinds of suggestions you're making in this bill?

[*Translation*]

**Mr. Bernard Bigras:** No, I have not heard anything from those people.

[English]

**Mr. Bill Siksay:** You focus on television violence, but there have been concerns raised about violent video games. Have you paid any attention to that? Is there a reason why you haven't addressed that in this legislation? It seems to me that's also an area where people have expressed many concerns about what children and youth are exposed to in video games.

[Translation]

**Mr. Bernard Bigras:** Absolutely. Violence on television is probably the easiest kind of violence to regulate. The Internet is an open network that is accessible to everyone; its regulation will therefore be very difficult.

As a society, the message we would be sending if we pass Bill C-327 is that we hope to build a peaceful society in Quebec and in Canada, without violence, or discrimination, regardless of sex or origin. This is an important social message that Parliament can send through Bill C-327. The bill deserves to be improved, of course. I hope that there will be the broadest possible debate on the coming regulation.

[English]

**Mr. Bill Siksay:** You mentioned you thought the United States had more rigorous regulations in this regard. Could you say a little bit more about that? Are there other countries that provide models for Canada in the area of regulating violence on television?

[Translation]

**Mr. Bernard Bigras:** There is of course the CRTC. In Quebec, the Régie du cinéma's panel classifies and assesses films that are released. In the United States, there is the Motion Picture Association of America, among others, that classifies movies. Currently, we have everything we need to set up a regulation system. We have classification systems in Quebec and in Canada. What remains to be done is to ensure that this classification system is reflected in regulations so that programs classified as "PG-13" are regulated and are not on the air before nine o'clock at night.

That does not prevent anyone from watching their program at 10, whether it is *Rambo* or something else. We are simply asking that violent movies not be shown before nine o'clock.

[English]

**The Chair:** Thank you.

Mr. Abbott.

**Hon. Jim Abbott (Kootenay—Columbia, CPC):** Mr. Bigras, welcome to our committee.

I am taking a look at a number of things you have said referring to the code currently in place as being voluntary, and yet every television broadcaster in Canada is subject to that code as a condition of their licence. Although it is called voluntary, and you keep referring to it as voluntary, would you agree with me that it's not really voluntary?

[Translation]

**Mr. Bernard Bigras:** It is voluntary in the sense that the industry is self-regulating. It is a peer review process. The process put in place by the CRTC is a complaint system. If someone feels that a program has contravened the code that the broadcasters created for

themselves, they may file a complaint. Peers assess whether or not the code was breached. It is therefore a voluntary system in the sense that the CRTC does not enforce the code. It is the peers themselves who decide if the code was breached. Very often, the code does not contain any definition of violence. It is up to the broadcasters. It is for that reason that I say we are talking about a voluntary code.

• (1600)

[English]

**Hon. Jim Abbott:** Wouldn't you agree that if we take a look back to 1995, there was a particularly offensive violent program called the *Mighty Morphin' Power Rangers*, which was a program of some contention. Under the Canadian Broadcast Standards Council that you are referring to, the program disappeared as a result of the direction. Since that time, by the way, there has never been the reappearance of any program like that, nor have there been any complaints of that type.

How do you see that your Bill C-327 would improve on that?

[Translation]

**Mr. Bernard Bigras:** We can indeed take the case of the *Power Rangers*, but we can also name other cartoons that have been broadcast which are just as violent. I must emphasize that there has been a progression and a gradual increase in the violence that is broadcast on the small screen.

I repeat: over the last few years, there has been an increase in physical violence. Now, violence is more and more psychological. We must tackle the new forms of violence that are completely different from the violence we saw a few years back.

What does Bill C-327 do? If the broadcasters' voluntary code allowed for the resolution of all of the difficulties, why would we not take that same code and use it to draft regulations? There is no impediment to doing that. If the code is legitimate within the framework of a voluntary approach, why would it not be so in the framework of a regulatory approach as is proposed in Bill C-327?

[English]

**Hon. Jim Abbott:** Primarily, I suppose, it is because it is a condition of licence that they comply with the code. They cannot have a licence. They cannot broadcast these things.

However, I'd like to ask you very quickly, with regard to the terrible example—and we never minimize the death of children, and I take it as seriously as you do—of *The Patriot*, which happened to be on television, could that not have been on the television through a rental? Isn't the issue that the parent was not accompanying the child? Isn't that the real issue? If that is the real issue, what difference would Bill C-327 make? The child was not accompanied. It could have appeared on DVD or VHS. As it happened, it appeared on television, and the parent's decision to walk away was obviously something of a contributor. How does Bill C-327 make any difference? I don't understand.

[Translation]

**Mr. Bernard Bigras:** First of all, I must remind you that even movies in video clubs are classified. There is a general classification, which is “PG”, and so on up until “18A”. If the regulations were really enforced, an 11-year-old going into a club to rent *The Patriot*, which is classified “PG-13”, would never have it handed to him across the counter. It is the same thing with videos. He cannot get the movie from a video club, because it is classified “PG-13 with violence”. That is the reality.

Furthermore, the same rules apply to the cinema. If an eight-year-old wants to go and see a movie that has been classified as “PG-13 with violence”, in theory, he should be stopped at the box office. However, it is not the same thing for television simply because the public airwaves are available to anyone.

•(1605)

[English]

**The Chair:** Thank you. We've gone a little over time.

We'll go to Mr. Scott.

**Hon. Andy Scott (Fredericton, Lib.):** Thank you very much, Mr. Chair.

Thank you very much, Monsieur Bigras. You are obviously a champion of this issue.

It is safe to say that I doubt there is anyone sitting around the table who wouldn't support the objective of less violence, particularly as it affects children, on television. So the question is really one of efficacy rather than objectives.

You have given us some numbers that you maintain show that the current system is failing. Could you explain why you think that's the case?

[Translation]

**Mr. Bernard Bigras:** Simply because a balance must be struck. Once we have a certain number of facts, we need to introduce legislation that is flexible and, at the same time, protects the greater interest of children. This is fundamental.

Frankly speaking, I have nothing against the fact that a citizen may want to see a violent movie. This citizen should be able to watch such a movie without any problem. He or she should be able to rent or even purchase it, but in the schedule, it must not be broadcast at peak viewing hours for children.

This is 2008, and parents are busier and busier and less and less at home. Children are increasingly being left to themselves. Therefore we have a duty. A public broadcasting system—I'm not referring to private broadcasting—has a public duty to guarantee that it produces quality television, in order to protect our children. That is why our television must be regulated.

[English]

**Hon. Andy Scott:** I can't find disagreement; I just don't think there's been an answer as to why....

I know you believe the present system is failing, and you've said what you'd like to see happen, but I haven't understood your

explanation as to why you think the system is failing. But I'll leave it at that.

It's a complaint-based system, as I understand it. What has happened in the incidence of complaints recently?

[Translation]

**Mr. Bernard Bigras:** I believe that television broadcasters will be appearing in a few days and they will be able to explain the complaints-based system that is currently in force.

In many cases, when the code of ethics is violated, a public apology is made for the fact that the movie was shown at an unacceptable time. It is the complaints-based system that ensures that the broadcaster apologizes. Is this sufficient? I don't believe so. I think that an apology is fine the first time, but we have a system that makes it lucrative to broadcast a violent movie at 7:00 p.m. It's more lucrative to broadcast a violent movie than an educational show at 7:00 p.m. Therefore, Canadian broadcasters must certainly be interested in establishing their viewing schedule in light of economic interests.

[English]

**Hon. Andy Scott:** I'm still curious, though, about the incidence of complaints. What has happened in terms of the numbers of complaints in recent years?

[Translation]

**Mr. Bernard Bigras:** I can't remember the figures exactly, but you will be able to put these questions to the representatives of the board. However, there are a certain number of complaints, and this number varies from year to year. Sometimes there are more protests and this leads to a greater number of complaints. I can't answer your question.

•(1610)

[English]

**Hon. Andy Scott:** Would a decrease in complaints suggest to you that the system is improving?

[Translation]

**Mr. Bernard Bigras:** That depends on the type of complaint. The number of complaints is not necessarily an indicator of whether the system is working well. That has to be done is to analyze the type of complaints made. It is not the number that counts, but rather the quality. In principle, this voluntary system should have led to an improvement in the quality of the shows broadcast. However, in reality, many violent movies have been broadcast at peak viewing hours. And this number is not declining, on the contrary. The studies done by Jacques de Guise and Guy Paquet show the contrary.

[English]

**The Chair:** Now we switch to Mr. Malo, please.

[Translation]

**Mr. Luc Malo (Verchères—Les Patriotes, BQ):** Thank you, Mr. Chairman.

Thank you, Mr. Bigras, for having come here this afternoon to present Bill C-327, which was referred to us by the House of Commons further to its passing second reading.

Mr. Bigras, in your bill, are you attempting to define violence? Have you studied the definition of violence on television?

**Mr. Bernard Bigras:** That is an excellent question. Indeed, there is a whole debate on the meaning of violence on television. It is difficult to reach a consensus. As I indicated, there are a number of definitions. One of them is from George Gerbner, a media specialist. Based on his research, he defines violence as “the act of injuring or killing someone or threat of injuring or killing someone.”

A study by the U.S. National Cable & Telecommunications Association considered violence to be: “Any overt depiction of the use of physical force—or the credible threat of such force—intended to physically harm an animate being or group of beings.”

There are several definitions, but there is no consensus on what violence is. I would like to see this committee initiate a social debate prior to the drafting of the regulations, if Bill C-327 were to pass. No, there is no definition. More specifically, there is no definition of psychological violence, simply because there has yet to be a study on the issue. As I mentioned, this is a new phenomenon that has yet to be analyzed. Yes, there are several definitions. But there is no consensus on the definition of physical violence, and even less so on that of psychological violence.

**Mr. Luc Malo:** Given that, how does one rate the programs aired on television if the concept of violence is rather vague?

**Mr. Bernard Bigras:** There are organizations responsible for issuing ratings. For instance, in Quebec there is the Régie du cinéma du Québec. It is comprised of various specialists who screen all films. It issues a classification based on its series of criteria. It is interesting to point out that what might be considered violent in the United States or cannot be viewed by people under the age of 17 can, in Canada, be seen by 13-year-olds. It really is open to interpretation. There is no definition. There are organizations that rate films, very well, but violence has yet to be defined. If Bill C-327 were to pass, that should be part of the debate. There has to be a debate on a regulatory framework. In my view, it would be a good idea to come up with a definition of violence.

• (1615)

**Mr. Luc Malo:** You said that broadcasters adopted a code. Is that what members use to determine whether they can or cannot air programs during peak viewing hours for children?

**Mr. Bernard Bigras:** No. Basically, broadcasters only have to inform television viewers about the content of a movie they are about to watch. As I indicated in my opening remarks, there is no obligation, but usually when you watch a movie, an icon showing that the movie was rated appears at the start of the film. Very often, that icon is shown several times throughout the broadcast. Nothing prevents a broadcaster from airing a film rated “13 years and over with violence.”

**Mr. Luc Malo:** So there are no regulations.

**Mr. Bernard Bigras:** That is correct.

[English]

**The Chair:** Thank you.

Now we'll switch to Mr. Fast, please.

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Bigras, I refer you to clause 3 of the bill. It's my understanding that's really the operative

section, because it gives the commission the power to make regulations respecting the broadcasting of violent scenes. I'm trying to understand exactly what that means and what you see those regulations addressing.

You've stated a concern that certain violent programs should not be broadcast before 9 p.m. Is that correct?

[Translation]

**Mr. Bernard Bigras:** Yes, absolutely. In passing, that is my personal opinion, which does not appear in the bill. The bill simply states that regulations shall be made.

[English]

**Mr. Ed Fast:** That's understood. Of course, that's already contained in the voluntary code, which, as my colleague Mr. Abbott said, is really not voluntary because it's part of the condition of licence.

Is your concern also the types of programs being shown on TV? Are you concerned about the gravity—the amount or degree of violence shown in some of the programs we see on television, even after 9 o'clock?

[Translation]

**Mr. Bernard Bigras:** No, not at all. I am not concerned by the degree of violence in films. Let us be clear. What I am concerned about is that films with high levels of violence are broadcast during peak viewing hours for children. It is one thing that a film is violent. It is another, however, that the film be broadcast at 7 p.m., which I believe is a problem, and the government has to play a role in addressing it. Far be it from me to suggest that it should prohibit the broadcasting of the film, but it must take into account that our children might be in front of the television screen, whether before 9 p.m. or 10 p.m., and that it is in the public interest that such films not be broadcast before 9 p.m.

[English]

**Mr. Ed Fast:** You've admitted that defining violence is very difficult. You gave a definition of violence, but you've acknowledged that the voluntary code doesn't define violence. Are you suggesting that the commission, through its regulations, should define what violence is?

[Translation]

**Mr. Bernard Bigras:** Indeed, there is no definition of violence in the voluntary code, which broadcasters themselves drew up, and there is no obligation with regard to violence on television before the CRTC. I do think that violence should be defined in the voluntary code. To ask the question is to answer it. Why is there no definition in the broadcasters' own code? I don't know, but certainly, in my view, it is not a regulatory code.

• (1620)

[English]

**Mr. Ed Fast:** So are you suggesting that the commission, through its regulations, should define the word “violence”?

[Translation]

**Mr. Bernard Bigras:** I think that the CRTC should indeed define what violence on television is.



[English]

**Mr. Ed Fast:** Right. So essentially you're talking about censorship. Someone has to make the decision as to what is violent and what is not. In your earlier remarks I believe you referred to trying to find a balance between freedom of expression and protection of children. I think all of us acknowledge that's important. We need to find that balance, but finding that balance requires us to draw a line somewhere.

I believe you're saying it is the CRTC, the commission, that should be drawing that line, which by its very nature is an act of censorship because you're going to allow some programming, but some won't be allowed because of the definition of violence you're adopting. Would you agree with me?

[Translation]

**Mr. Bernard Bigras:** My understanding of censorship is that it is a form of prohibition. That is not at all what I was saying. I would not want to be accused of being in favour of censorship. This is not about censoring a film's content or prohibiting its broadcast. This is about programming slots and deciding that a film should be broadcast after 9 p.m. This is not about censorship because, to me, censorship equals prohibition. I would be against prohibiting the broadcast of certain films.

I think that all films deserve to be broadcast on the public airwaves, unless they contain such content as pornography, for example. Furthermore, if the Régie du cinéma du Québec or any other group considers a film to be violent, it should not be broadcast before 9 p.m. That is not prohibition.

If someone wanted to prohibit the broadcasting of a film containing violence, I would call that censorship.

[English]

**Mr. Ed Fast:** I have one last question.

**The Chair:** Make it very short.

**Mr. Ed Fast:** Is there any type of violence at all that you feel should be prohibited on television? Do you believe that extreme, gratuitous violence should be prohibited on television?

[Translation]

**Mr. Bernard Bigras:** I am not here today to debate how to define violence. Besides, that is not the purpose of the bill.

The bill is intended to make regulations respecting violence on television; of course, those regulations have yet to be drafted. I would like to see parliamentarians contribute to the definition, with the help of experts, but the bill is certainly not intended to prohibit the broadcasting of films with violent content.

[English]

**The Chair:** Thank you.

That's it for our questioning in this session. We can't get a complete round in.

Thank you very much for appearing today.

We will recess for approximately seven minutes.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

•

• (1630)

**The Chair:** I call the meeting back to order.

I welcome our next witnesses from the Canadian Radio-television and Telecommunications Commission: Mr. von Finckenstein, Ms. Vallée, and Mr. Hutton. Thank you very much for appearing today on such short notice.

Please start your presentation, sir.

**Mr. Konrad W. von Finckenstein (Chair, Canadian Radio-television and Telecommunications Commission):** Thank you very much, Mr. Chairman.

[Translation]

I thank the committee for inviting us to express our views on Bill C-327, An Act to amend the Broadcasting Act (reduction of violence in television broadcasts).

The principle aim of the bill, as we understand it, is to contribute to solving the problem of violence in society by reducing violence in the programming offered to the public, including children.

[English]

We assume by "solving", the bill means that violence should not be glorified or depicted too graphically. By "reducing", we assume the bill means restricting the most graphic and inappropriate portrayals of violence to time periods when children are unlikely to be watching television.

Given these interpretations of the key terms, we regard the aims of the bill as entirely laudable. These aims are ours as well.

[Translation]

However, it is important to remember that the CRTC does not mandate or dictate programming, but rather ensures that it conforms to the objectives of the Broadcasting Act. In particular, the act states that programming should be of a high standard, respectful of equality rights and reflective of Canadian values.

In pursuing these objectives, the act also directs the CRTC to respect freedom of expression, as guaranteed by the Canadian Charter of Rights and Freedoms.

[English]

The system we now have in place to deal with these issues is a collaborative one that relies largely on self-regulation by the industry in accordance with an obligatory code on violence. This code was developed by the Canadian Association of Broadcasters and approved by the CRTC. In addition, the CRTC holds the authority to serve as a final arbiter on these issues when required.

Today I will focus on the enforcement of programming standards on violence. I would like to take you briefly through the process to show you how the system works when a complaint is made.

First, the CRTC requires all broadcasters to adhere to a code of violence as a condition of licence. However, it suspends this obligation as long as a broadcaster is a member in good standing of the Canadian Broadcast Standards Council, the CBSC, and is therefore bound by the CAB code.

The complainant may bring the issue to the broadcaster or the CRTC. If one of the private broadcasters is involved and that broadcaster is a member in good standing of the CBSC, the complaint may be brought directly to the CBSC, or it is forwarded by the commission to the CBSC, if it comes to us.

The CBSC is an independent organization established by the Canadian Association of Broadcasters with the approval of the CRTC. Once such a complaint is made, the council will determine whether an infraction of the CAB's violence code has occurred.

This is a code that the CRTC regards as an important standard, and its terms provide a framework that is used across all sectors of the industry. Among other things: it prohibits gratuitous violence; it requires that viewer advisories accompany programs with violent content, i.e., the verbal warnings that indicate the nature of the content; it requires broadcasters to display a rating that informs parents of the suitable age groups for the programs; it establishes a watershed hour, such that depictions of violence intended for adult audiences must be broadcast after 9 p.m.; and it sets out detailed restrictions on the portrayal of violence in children's programs.

A private broadcaster who is found to have violated the code must acknowledge the violation with an announcement on the air and must provide the council with evidence that this has been done. If violations of the same kind have occurred more than three times, the broadcaster is required to show within 30 days why they should remain a member in good standing of the CBSC.

When the complaint concerns a public broadcaster such as the CBC, an educational broadcaster, or a broadcaster who is not a member in good standing of the CBSC, it is the CRTC that will hear the complaint. The commission will also hear any complaint in cases where the complainant is not satisfied with the resolution provided by the CBSC.

If the CRTC finds that a violation has occurred, it will issue a public decision to that effect, and this goes on the record of the licensee. Such decisions may be considered when the broadcaster's licence comes up for renewal. Measures, even severe ones, can be imposed at that time. That's the principal difference: with CBSC, it is corrected; with us, not only is it corrected, but it goes on the record and will be considered at the time of renewal.

I have taken you through the enforcement process as it is today so that you may understand our reaction to the bill before you.

We have no problems with clauses 1 and 2 of the bill, given the interpretation I mentioned at the outset. We do, however, have reservations about clause 3, which would add two new sections, identified as 10.1 and 10.2, to the Broadcasting Act. These additions would require the commission to make regulations concerning violent scenes on television, including those in programming intended for children. It would also require the monitoring of compliance and the punishment of non-compliance according to law.

This is contrary to our regulatory approach. For us, it has become a high priority to use regulation as an instrument of policy only when regulation is necessary. That means we will regulate only when no other effective means is available to achieve the desired purpose. When we do regulate, it will be with smarter and lighter regulation.

• (1635)

[*Translation*]

We believe that the present system, based on industry self-regulation and adherence to obligatory codes, and backed up by the CRTC as the final arbiter, does provide an effective means to achieve the desired purpose. We therefore cannot support the provisions of Bill C-327 that call for prescriptive regulation in lieu of industry self-regulation backed up by conditions of licence.

We do, however, share the aims of this bill when it comes to effective enforcement of our policies governing content standards. For some time, we have felt the lack of a full range of penalties to deal with violations.

[*English*]

Our powers of enforcement would be both stronger and sharper if we were given the power to impose administrative monetary penalties, or AMPs. In other words, the commission should be able to fine a broadcaster for infractions. These fines would be proportionate to the offence. They would be large enough to hurt and serve as a deterrent.

The CRTC has such powers as a means of enforcement under the Telecommunications Act. It strikes us that it is equally needed in broadcasting. At the moment, the only penalties we can impose are either relatively light or excessively heavy. At the light end we have an on-air announcement required by the CBSC or a public decision rendered by the CRTC in response to a complaint. At the heavy end we can shorten the offender's term of licence at renewal time or deny renewal entirely. These are very blunt instruments; we need something in between. Those are the AMPs I mentioned.

If the committee so desires, you could have our legal staff draft the appropriate amendments to Bill C-327, which would replace the proposed sections 10.1 and 10.2 with a system of monetary penalties.

We note that the bill calls for the commission to review the new regulations after five years. Should the bill be enacted with the amendments we suggested, we would have no objection to undertaking such a review.

I thank you for giving me this opportunity to express our views, and we are ready to answer your questions.

• (1640)

**The Chair:** Ms. Fry, I think you have the floor for the first questions, please.

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Thank you.

Thanks for your presentation. I want to ask some clear questions.

What other indicators do you have that programming or violence is being reported, or that it's a concern of the public, or that the self-regulation of the industry is compliant with the spirit and letter of all the acceptable limits on violence that are already there in legislation? Is it just reporting? Is that the only indicator you have? Can you suggest other indicators?

**Mr. Konrad W. von Finckenstein:** We operate on a complaints basis. If people complain about the programming, if they feel the programming is too graphic, is too drastic, or is shown in hours when it shouldn't be shown, they'll complain. Most of these complaints are dealt with by the CBSC.

If you would like to know the exact numbers of complaints, we can give them to you. My colleague, Mr. Hutton, has them.

**Hon. Hedy Fry:** No, I wondered if you had other indicators by which we could measure the compliance of the self-regulation of the industry itself. Only complaints? That's the only indicator people might have?

**Mr. Konrad W. von Finckenstein:** Complaints and the remedy of the complaints as enacted either by the CBSC or us.

**Hon. Hedy Fry:** Sure. Do you have any indicators you would suggest other than complaints?

**Mr. Konrad W. von Finckenstein:** No, we don't. It's a complaint-driven system. We set standards. We go on the assumption that broadcasters are in the business to make money and produce broadcasting that appeals to Canadians. They get a licence from us. The licence says comply with the standards. We assume they comply with the standards. Obviously there may be cases where they either fail to or where there's a difference of interpretation of what the standards are. Those will then generate a complaint, and we deal with that complaint.

**Hon. Hedy Fry:** Do you believe that a complaint-based system is an appropriate way to monitor this?

**Mr. Konrad W. von Finckenstein:** Yes. That's our whole general approach in all of this. We are dealing with a creative industry. You don't want to be too prescriptive, so you say set your standards, administer them, and we will make sure you adhere to them.

**Hon. Hedy Fry:** I know that's the current approach, Mr. von Finckenstein. What I'm asking you is, do you think it is the appropriate approach? Do you think it is sufficient? Do you think there are other ways in which we can approach the issue of compliance by broadcasters other than complaints, which is hoping the public will have the time to write, etc.? If this is self-regulatory, do you think it is an appropriate way? Should we change it? If so, how do you think we should?

**Mr. Konrad W. von Finckenstein:** The short answer is no. I think it is the appropriate pitch. Obviously there are other approaches. You could have an inspection system, you could have a monitoring system, you could have a reporting system—all of it. They are very costly, they are very intrusive, and I'm not convinced they would be more effective. I think the system we have strikes the right balance between protecting the public by ensuring there's a code that's adhered to, but also by having a system that punishes those who offend the code.

**Hon. Hedy Fry:** Thank you.

**The Chair:** Ms. Mourani.

[*Translation*]

**Mrs. Maria Mourani:** Thank you, ladies and gentlemen. I must admit, Mr. von Finckenstein—I hope I did not mispronounce your name; may I call you Mr. Konrad?—that I don't quite understand how you can monitor broadcasters according to rules that they set for themselves. It is as if the police went to see criminals and asked them which standards should be set in order to better monitor them. Don't you find that strange?

● (1645)

**Mr. Konrad W. von Finckenstein:** The standards were drafted by the industry, you are absolutely right. However, we have to approve the code. We did so: we held hearings and examined the code. We believe that it truly reflects the appropriate standards for broadcasters. There is no doubt about the fact that they drafted the code, but it contains the standards that we approved.

**Mrs. Maria Mourani:** That means, for example, in the case of a “13 years and over” rating, that the standards that are set in terms of violence, nudity, etc., are set based on what broadcasters decided? Thereafter, if I understood correctly, the CRTC either gives its okay, that the “13 years and over” rating applies, or states that that is not the case and disagrees with the classification.

**Mr. Konrad W. von Finckenstein:** No. We asked broadcasters to draft a code that reflects society's standards with regard to violence or nudity, whether the content is acceptable or not, what can be broadcast during the day and what should not be broadcast in the evening. They came up with a draft after having held consultations within the industry and the general public. That draft was presented to us. We held public hearings to consider it. We studied it and made a few changes. Finally, we approved a version that, in our view, truly reflects Canada's generally accepted standards. It has become the code to which everyone is subject.

**Mrs. Maria Mourani:** Do you not agree that it should be up to elected representatives and the public to establish such codes pertaining to violence? We know that what society tolerated in the past with regard to violence or nudity was very different from what it tolerates today, and that there has been a change in cultural mores. I find it quite unusual that it is broadcasters themselves who conceived the initial code, but I fully understand your position.

I would like to move on to another topic, something Ms. Fry raised earlier: the complaints-based system. Do you not find that working within a complaints-based system places your organization in a wait-and-see position? The CRTC has to wait for a complaint to be filed. I would have thought that the commission would be a bit more proactive by assessing which broadcasters respect the code and which do not, without necessarily having to wait before a complaint is made.

**Mr. Konrad W. von Finckenstein:** First of all, at the time the code was drafted, broadcasters did not work alone. They hired experts in the field and commissioned studies to help prepare the code.

Second, as I said earlier, we signed off on the code. We agree with its principles. Finally, as in all cases of self-regulation, there has to be a balance between the costs, effectiveness, expertise and results. Would you prefer that the state do it all, establish the rules, regulate, interact with stakeholders, prosecute, etc., or should we consider that broadcasters are able to regulate themselves? It is in their best interest to do so because, after all, if broadcasts and programs contain high levels of violence, they will lose viewers.

Lastly, we are talking about a productive and creative industry. We wouldn't want to... How do you say that in French? Stifle...

**Mrs. Maria Mourani:** Say it in English.

**Mr. Konrad W. von Finckenstein:** We don't want to restrict people's creativity, etc. It is a question of balance, and the way we have found to achieve a fair balance is through self-regulation under CRTC guidance.

• (1650)

**Mrs. Maria Mourani:** Very well.

Do I have some time left, Mr. Chair?

[*English*]

**The Chair:** You have a very short time.

[*Translation*]

**Mrs. Maria Mourani:** Very well.

Earlier, you talked about it being very costly. Were you talking about the current system?

**Mr. Konrad W. von Finckenstein:** No, I was talking about the system that you are considering.

**Mrs. Maria Mourani:** That would be a more “controlling” system. I don't really consider that to be “controlling”, but it would be less of a wait-and-see approach. Such a system would be more action-based rather than complaints-based and would require regulations from the CRTC. It would cost more. Approximately how much more, in your view?

**Mr. Konrad W. von Finckenstein:** It all depends on the regulations. But it isn't only a matter of cost. We also have to respect the legislation and the Charter of Rights and Freedoms. So, if we are too controlling of content, we might also infringe upon the charter.

**Mrs. Maria Mourani:** Yes, but I think that the bill has passed the constitutionality test. I am talking about this bill.

[*English*]

**The Chair:** I allowed you one little short one—

[*Translation*]

**Mrs. Maria Mourani:** Very well. Thank you. I will have more to say during the next round.

[*English*]

**The Chair:** —so I have to interject.

Mr. Siksay.

**Mr. Bill Siksay:** Thank you, Chair.

Thank you for being with us, Mr. von Finckenstein. We appreciate you and your colleagues taking the time.

I wonder if you could tell us when the existing standards were established and if there's been any review of them since that time.

**Mr. Konrad W. von Finckenstein:** My colleague, Scott Hutton, will answer that.

**Mr. Scott Hutton (Associate Executive Director, Broadcasting, Canadian Radio-television and Telecommunications Commission):** I think they were initially established in 1993, and there was a review in 1997. There has not been a formal review of them since that time.

**Mr. Bill Siksay:** Were there any changes made in 1997, at the time of that review?

**Mr. Scott Hutton:** There were some adjustments.

**Mr. Bill Siksay:** Okay.

I would be interested in knowing the number of complaints related to violence that have been dealt with. Can you give us some of those statistics?

**Mr. Scott Hutton:** Yes.

According to our statistics—and these are both complaints that come to the CRTC and those that are referred to the CBSC—for the last full year that we have a formal report published, we have about 125 complaints on the issue of violence, and our statistics for this year are tracking about the same.

**Mr. Bill Siksay:** Can you tell us how those were resolved? What was the final outcome of those complaints? Was any action taken against broadcasters in light of those complaints?

**Mr. Scott Hutton:** Approximately 50% of them are resolved upon first discussion. The first step is always to ask the broadcaster to respond, and to respond both to the body that's reviewing the entity and to the complainant. Approximately 50% of them are resolved at that level. Then it goes beyond to a question of interpretation, and you end up with a situation in which you have a small minority of all of those that come to the CRTC. There are about three to five a year for which we end up finding an issue with the occurrence.

**Mr. Bill Siksay:** Are those three to five the ones for which the broadcaster would be disciplined in some way?

**Mr. Scott Hutton:** Yes.

**Mr. Bill Siksay:** Can you tell us what kinds of discipline have happened recently, maybe in the most recent years?

**Mr. Scott Hutton:** Basically, most of the discipline that has occurred before the CRTC has been regarding the issuance of a public decision outlining the failing, and a discussion at the renewal period.

**Mr. Bill Siksay:** Has there ever been a restriction placed on a licence renewal or a shortening of a licence, or even the outright refusal of a licence, related to a complaint related to violence?

**Mr. Scott Hutton:** We have not had such cases in television and not with respect to violence.

**Mr. Bill Siksay:** Okay.

In the opening statement it was mentioned that there was a process directly to the CRTC for broadcasters who weren't part of the Canadian Broadcast Standards Council.

Are there any broadcasters that aren't members of that, other than the CBC and educational broadcasters?

**Mr. Scott Hutton:** Yes. The majority of private broadcasters are members of the CBSC, but there are a minority that are not. The complaints for those broadcasters come directly to the CRTC, and we follow through in applying the CAB's code with those broadcasters.

**Mr. Bill Siksay:** Can you characterize that group in some way? Are they independent broadcasters? Is it a particular network? How would you characterize that group?

**Mr. Scott Hutton:** I would say the major broadcasters are all members, with the exception of the public broadcasters, and then there would be more smaller entities.

**Mr. Bill Siksay:** Okay.

When I was poking around doing some research, I found a letter from Mr. Spicer, I guess a predecessor of Mr. von Finckenstein's. He talked about the children's agenda of the CRTC and a formula of 80-10-10, which was 80% public education programs, 10% technological solutions, like the V-chip, and 10% voluntary code. Is that still a direction of the CRTC? Do you still put efforts into public education around the issue of violence, particularly with regard to children? Can you talk a bit about whether that initiative is still in place?

• (1655)

**Mr. Konrad W. von Finckenstein:** I must say that the question is totally a surprise. There were three predecessors before me. I am not aware of this policy. Our policy right now is very clear, and I'll enunciate it. Basically, we feel that the code and the way it has been administered through the CBSC, which has been exemplary, addresses the issue.

**Mr. Bill Siksay:** That would seem to be a fairly significant change, if that is the case, because Mr. Spicer said that only 10% of the CRTC's effort was going to voluntary codes and 90% was in other directions. I'm just wondering if you could maybe say why that kind of significant change might have happened.

**Mr. Scott Hutton:** I think the broadcasters continue. There are a few efforts that have been put in place. I think the 80-10-10 may be a little bit beyond our memory.

What is occurring right now is certainly through the voluntary system. It's one of the great things about the voluntary system. Broadcasters, which are in the business of getting messages out, do publicize the various efforts that are put in place, be it the existence of the CBSC or the existence of a complaint mechanism. They broadcast also when they fail. That is one of the recourses the CBSC relates to. So the message does get out through the broadcasting side.

It is the same thing with the advisories before programming, during commercial breaks. You have the ratings that are announced and published for every program. So there is a continuing effort, and it's through the broadcasters. It's not an ongoing effort by the CRTC.

**Mr. Konrad W. von Finckenstein:** You're talking about a totally different time period. This was long before we had the Internet and all sorts of new media and other....

**An hon. member:** [*Inaudible—Editor*]

**Mr. Konrad W. von Finckenstein:** Mr. Spicer?

**Mr. Bill Siksay:** According to the site I saw, yes.

**The Chair:** Okay. We'll switch over.

I think Mr. Abbott has one short question, and then we'll switch to Mr. Batters, so the time will be shared.

**Hon. Jim Abbott:** Good. Thank you.

Thank you for coming. I think this discussion we've had with you has indicated that this bill is far broader than just simply restricting hours, as the proposer of the bill seemed to be testifying today.

Mr. von Finckenstein, you spoke about being able to come up with some kind of enforcement. You were talking about something in between. Looking at section 32 of the Broadcasting Act, I thought the CRTC had the ability to impose fines. But you're telling us that section 32 isn't a tool that's commonly used. You gave us a brief explanation, but I wonder if you'd just expand on it.

Second, if this bill was not successful and was not amended as you suggested, would you see there being a reason for there to be an amendment to the CRTC Act so that you would have the enforcement you're after?

**Mr. Konrad W. von Finckenstein:** First of all, section 32 is the standard provision for criminal offences that you find in most acts, saying that if you breach this act, you're guilty of a criminal offence, which means you have to go to court. You have to prove the offence. You have to prove it to a criminal standard of proof, that is, beyond all reasonable doubt. It's also a fairly lengthy process. It brings the full majesty of the law against somebody who has committed a criminal act.

That's not what we're talking about here. Here we're talking about, in effect, what's called an administrative monetary penalty. In common parlance, it's called a fine. You have to prove it to a civil standard, that is, on the balance of probability rather than beyond all reasonable doubt. It's also going to be very quickly done while the offence is there, while the program is still on the air.

The criminal process is.... It's first of all disproportionate. Second, by the time you bring...the program may no longer be on the air and it may be totally irrelevant. It's also very difficult to prove that somebody deliberately, with full intent, went out to breach the code and did something that was in explicit violation of the code.

As I mentioned in my opening remarks, we have now, basically, the power to shame. CBSC does it. They say you've done wrong, so admit it. We do the same thing, and we put it on the record. Or we can have sort of a nuclear bomb: we withdraw the licence. There's absolutely nothing in between, and what we suggest for these things, which may be infractions of various gradations, is that there should be an appropriate penalty.

As far as your second question is concerned, if this bill is not amended, yes, this AMPs power is needed, not only in regard to the violence question but in regard to other issues we regulate too. And hopefully we will see it some day. It was raised in this bill specifically, and as there's a concern with violence, I thought it was appropriate to raise it with you.

•(1700)

**The Chair:** Mr. Batters.

**Mr. Dave Batters (Palliser, CPC):** Thank you very much.

I'd like to thank all of you for appearing before our committee, and also to commend Monsieur Bigras for his noble intentions in putting his bill forward again.

Mr. von Finckenstein, in your mind, in the opinion of the CRTC, is Bill C-327 simply redundant given the rules system already in place by the CRTC and the Canadian Broadcast Standards Council?

**Mr. Konrad W. von Finckenstein:** That's really for you to decide, I think, partially.

The bill says at the beginning:

AND WHEREAS the number of violent scenes broadcast on television during the hours when children watch television, namely, before 9 p.m., has nevertheless increased;

I think that's what it is trying to address and trying to emphasize, the need to protect our children and make sure that those offensive programs appear after 9 p.m. As I said, I agree with that. We have a workable system, and this would strengthen it, perfect it, etc.

So whether you want to enact it or not—any regulatory power, of course, brings with it some negative side effects that may lead to more litigation or stifle creativity—that question is really up to you.

**Mr. Dave Batters:** Mr. Hutton or Ms. Vallée, have you anything to add regarding that? Do you think this bill is redundant?

I mean, we're anxious to hear your opinions on this. That's why you're before committee today. We understand that this ultimately rests with parliamentarians, but that's why you were called today.

**Mr. Scott Hutton:** I think what we're suggesting is that improvements can be made to recognize the existing system, because we believe in the existing system. We can build upon the existing system through this route.

**The Chair:** Thank you. Our time is up for that.

Now I will go to Mr. Bélanger.

[Translation]

**Hon. Mauril Bélanger:** Thank you, Mr. Chair.

Welcome to you all.

[English]

To Mr. Hutton, I'd like to get back to the complaints. You said there were about 125.

Are those 125 complaints directed to complaints about violence and children, or are they the entire package of complaints?

**Mr. Scott Hutton:** It would be toward the entire package of violence. We receive about 10,000 complaints on broadcasting matters a year. We have 125, according to our own tracking system, on violence, not specifically to children.

**Hon. Mauril Bélanger:** Not violence vis-à-vis children.

**Mr. Scott Hutton:** No; just violence on television.

**Hon. Mauril Bélanger:** You have 10,000 complaints a year and 125 are on violence. Has there ever been an analysis of these complaints? If so, would you share that? Of what nature are they?

I'm surprised there are that many. I'd be curious to see how many originate from people watching broadcasters that are members of the CBSC and the broadcasters that are not members of the CBSC. Do you have that distinction?

**Mr. Konrad W. von Finckenstein:** Perhaps I could break it down. You have several questions here.

You asked if there was analysis of the 10,000 complaints or of the complaints regarding violence?

**Hon. Mauril Bélanger:** Both.

**Mr. Konrad W. von Finckenstein:** Okay.

As most of you will appreciate, a huge number of complaints are heard by the CBSC. They will be appearing before you, and they can tell you about the complaints they have and what kind of analysis they have done.

With regard to the complaints to us, a lot of the 10,000 are of a general nature—complaining about specific ads, particular programming, the poor variety of programming.

If you want a breakdown, Mr. Hutton can walk you through it.

**Hon. Mauril Bélanger:** No, no, perhaps you could provide that to the committee.

**Mr. Scott Hutton:** We can provide you with our annual report, which includes that data.

**Hon. Mauril Bélanger:** Fair enough. I stand—or sit—reprimanded.

On the 125 complaints, can you tell me how many are directed to violence and children and how many are not?

•(1705)

**Mr. Scott Hutton:** We don't have that with us, but we can provide that to the committee.

**Hon. Mauril Bélanger:** Would you know, of the 125, how many stem from broadcasters who are members of the CBSC and broadcasters who are not members of the CBSC?

**Mr. Scott Hutton:** We can provide you with that at the same time.

**Hon. Mauril Bélanger:** My other question, I gather, has been pretty well answered.

Mr. von Finckenstein, I was going through your remarks, and at one point you say that you believe this present system “does provide an effective means to achieve the desired purpose”. And yet a little further on you say you think the penalty side has to be improved.

So it's not that effective.

**Mr. Konrad W. von Finckenstein:** If and when we have a hard case, we really have no means of dealing with it. Fortunately, so far the system has worked very well. Broadcasters are very responsible and responsive, and when these things have come up, they have dealt with them.

However, as you are probably aware, we have had cases in radio and so on where we found that the lack of intermediate penalties, or however you may call them, is really quite hampering. That's why I'm mentioning it here. If violence is a big issue, and it may become a bigger issue, having AMPs would be very desirable.

**Hon. Mauril Bélanger:** Mr. Chair, I have a final question.

Has the CRTC, to your knowledge, asked for such provisions to be enacted?

**Mr. Konrad W. von Finckenstein:** Yes. As I say, we have some on the telecom side already. This is with regard to the do not call list. And there was also a bill, which was enacted last year, that provides them in respect of other issues in telecom.

Has it been done before on the broadcasting side? I honestly don't know the answer. Scott?

**Mr. Scott Hutton:** I must say I don't know that answer either. We have not asked for them recently.

**Hon. Mauril Bélanger:** Thank you, Mr. Chairman.

**The Chair:** Thank you.

Mr. Malo.

[*Translation*]

**Mr. Luc Malo:** Thank you, Mr. Chair.

Thank you, Mr. von Finckenstein, for being here with us this afternoon to discuss Bill C-327 and its consequences. In your opening statement, you said that the code adopted by broadcasters had been vetted and approved by your organization. You also indicated that the code contained a provision against the broadcasting of scenes of violence intended for a mature audience before 9 p.m.

When you receive a complaint concerning that specific aspect of the code, how do you determine whether a show contains scenes of violence intended for a mature audience? Are there regulations concerning that definition per se?

**Mr. Konrad W. von Finckenstein:** I will ask Mr. Hutton to reply.

**Mr. Scott Hutton:** At the CRTC, we apply the code when we receive a complaint. The code contains indications specifically regarding children's programming, and about eight factors are taken into consideration. Our staff views the film and ensures that it complies with the regulatory components, which include those eight factors. We determine whether the film contains violence, whether it was broadcast before the prescribed hour, whether there are many or few exceptions, and whether we found this to be an exception. We then make a finding. If indeed there were instances of violence, we make a note of them and notify the broadcaster.

**Mr. Luc Malo:** In your statement, you also said that you would like to have a greater range of penalties. You even talked about fines high enough to deter broadcasters from presenting programming with violent scenes at times that are in violation of the code.

How high a fine would it have to be, in your opinion, to deter broadcasters from doing this?

• (1710)

**Mr. Konrad W. von Finckenstein:** There is a whole range of fines. It depends, of course, on the seriousness of the offence. Under

the Telecommunications Act, the fines range from \$1,050 to \$15,000. We have to determine what constitutes an appropriate fine. The idea is not to harm or financially ruin broadcasters, but rather to give them a financial reason for complying with the act and the CRTC code.

**Mr. Luc Malo:** Is the range you mention the one you would advocate in this specific case?

**Mr. Konrad W. von Finckenstein:** No, I think that would be a little high. As I said, we can provide you with a draft of the provisions on fines and an appropriate range of fines. In order to do this, we have to check on the fines in place in other industries for activities that are more or less similar. I do not want to pick a figure out of the air.

**Mr. Luc Malo:** Has the CRTC seen an increase in violence on television before 9 p.m.? Do you have any way of assessing that?

**Mr. Konrad W. von Finckenstein:** I do not have any information of that type.

[*English*]

**The Chair:** I have to speed this along because very shortly the bells are going to ring. We have a bit of other business to take care of, so we'll move over to Mr. Chong.

**Hon. Michael Chong (Wellington—Halton Hills, CPC):** Thank you, Mr. Chair.

My question is for any of the three witnesses. It has to do with the basis of the Canadian Broadcast Standards Council's violence code, or the CRTC's code, when it comes to public or educational broadcasters. Over the last number of decades, the jurisprudence in Canada with respect to materials containing sexual or violent elements has evolved from a focus on community standards to a focus on harm. Under the harm test, materials can be censored only if they are shown to be harmful to society or to others in society. With respect to the Canadian Broadcast Standards Council, or the CRTC, what empirical evidence is out there to support the present codes?

**Mr. Konrad W. von Finckenstein:** I will go at the question differently. The bill before us suggests a review of the code and the standards. It was adopted in 1996, and community standards have changed the way we look at these things. It may very well be appropriate to review it. Whatever studies we have, we have to follow the code as adopted at that time. So I don't think we could answer your question.

These things are not cast in stone. They reflect the standards of the community and they have to be looked at periodically and recalibrated. That's why I said in my opening remarks that the review the bill suggests, if the bill is adopted, would be very popular.

• (1715)

**The Chair:** Thank you.

Mr. Batters, did you have a short one?

**Mr. Dave Batters:** It's not short, and I realize we have bells....

**The Chair:** It's not short.

Mr. Abbott, I think you have a point of order.

**Hon. Jim Abbott:** I have a quick matter to deal with, which I've asked the chair under a point of order. I had told the committee I was going to be getting back with the response from the department with respect to the guidelines in Bill C-10. This is the response I got. The guidelines do not exist, cannot exist, before Bill C-10 is passed. There are simply no guidelines to provide the committee. When Bill C-10 is passed, we'll be holding consultations on the guidelines.

With respect to the department official who was quoted on Thursday, he simply misspoke when he implied that there were guidelines in existence that the department was working on. There are no guidelines; he misspoke. After Bill C-10 is passed, once the legislation is passed, the minister will direct the department to begin consultations with industry officials and stakeholders, after consultation guidelines have been discussed.

Thank you.

**The Chair:** Okay. Thank you for bringing that up.

One quick question, Mr. Bélanger.

**Hon. Mauril Bélanger:** I'd have to verify it, but I believe we also asked about regulations.

**Hon. Jim Abbott:** I'm sorry, I don't recall that. Maybe we can talk —

**Hon. Mauril Bélanger:** Mr. Chairman, if I may, I won't be long. I understand we have to go and vote.

On the matter that's before us, there are a lot of people asking questions. I think, indeed, people should be directed to the current regulation adopted in 2005. It's quite revealing what's in it and what's not in it. There are some guidelines currently. Perhaps those should also be in the public domain so that people can see them.

You have a desire here for information to be made public. I would hope that those, at least, could be obtained by our research staff and distributed to the members, because I believe they exist.

**Hon. Jim Abbott:** Thank you.

**The Chair:** Okay.

We're going to take a 30-second pause here. We have a little bit of business that will only take a minute.

**Mr. Bill Siksay:** On a point of order, Chair, I'm very concerned about remaining while the bells are ringing, given that once this session we've already had the whips of the government and official opposition proceed down the aisle before the bells finished ringing. So I'm not anxious to stay. Now that the bells are ringing, I want to be in the House, especially for the kinds of important votes we're having this evening.

**The Chair:** You'll be there—

**Mr. Bill Siksay:** Are you guaranteeing that?

**The Chair:** —but if we want this committee to carry on, we have a budget to pass. So we're just going off the television and we're going to proceed.

I'm quite sure I want to be in my seat, too, and I will be there.

Ms. Mourani.

• (1720)

[*Translation*]

**Mrs. Maria Mourani:** I do not agree with that. We are moving too quickly. We could vote when we come back. I agreed to postponing my motions until Thursday. We could do this on Thursday. Everyone is all excited about the vote, and I do not feel like voting on things that I have not even read.

[*English*]

**The Chair:** It's not in haste. In the time it took you to challenge the chair, we could have had it done. That's how long it's going to take.

As chair, I would like to move that the committee adopt a budget in the amount of \$8,650 for its study on Bill C-327, an act to amend the Broadcasting Act in regard to reduction of violence in television broadcasts.

(Motion agreed to)

**The Chair:** Now I can sign it.

The meeting is adjourned.









**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

**Also available on the Parliament of Canada Web Site at the following address:  
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :  
<http://www.parl.gc.ca>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**