Influencing public policy on Canadian broadcasting

Abstract: The policy-making process in Canadian broadcasting involves a wide array of groups from institutional, industrial and sociocultural sectors. The policy review leading up to adoption of a new federal Broadcasting Act in 1991 saw these groups deploy a range of tactics in attempting to influence broadcasting policy in line with their respective interests. In this article, we report on the relative influence of different categories of actors with regard to Canadian broadcasting policy, in light of the resources they enjoy and the strategies they use to maximize their use. For non-industrial public interest and sociocultural interest groups, the fact that an important part of the policy process unfolded in public was an important factor for gaining access, through legislative change, to the broadcasting system itself. Where economic interests were concerned, however, the means deployed were radically increased and sought to address policy makers directly. The resulting policy outcomes demonstrated that, depending on the particular issue and the interest base promoting it, both public action and direct pressure could be effective levers of influence. In short, influence on the policy process was shown to be relative, depending on the degree of access to the decision making process enjoyed by the various parties.

Sommaire: Le processus de définition des politiques de radiodiffusion au Canada implique un large éventail de groupes institutionnels, industriels et socioculturels. Lors de la révision des politiques qui a précédé l'adoption, en 1991, d'une nouvelle Loi sur la radiodiffusion fédérale, ces groupes ont adopté toute une gamme de tactiques pour essayer d'influencer la politique en matière de radiodiffusion, conformément à leurs intérêts respectifs. Dans le présent article, nous exposons l'influence relative des diverses catégories d'intervenants en ce qui concerne la politique de radiodiffusion canadienne, en tenant compte des ressources à leur disposition ainsi que des stratégies qu'ils ont utilisées afin de maximiser l'utilisation de ces ressources.

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CANADIAN PUBLIC ADMINISTRATION / ADMINISTRATION PUBLIQUE DU CANADA VOLUME 38, NO. 3 (FALL/AUTOMNE), PP. 405-423, 1995
Pour les groupes d’intérêt socio-culturel ou d’intérêt public non industriel, le fait même qu’une partie importante du processus d’élaboration des politiques ait eu lieu en public fut un élément important afin d’accéder, par voie de modification législative, au système de radiodiffusion lui-même. Cependant, lorsque des intérêts économiques étaient en cause, les moyens utilisés étaient nettement supérieurs et visaient directement les décideurs. Les résultats en termes de politique adoptée ont montré que, selon la question concernée et le groupe d’intérêt qui la préconisait, l’intervention publique qui la pression directe pouvait exercer une influence efficace. En bref, il s’avère que l’influence sur le processus de définition des politiques est relative et dépend du degré d’accès qu’avaient les diverses parties au processus décisionnel.

How, by whom and with what results is influence exercised in the making of Canadian broadcasting policy? This is what we set out to investigate in a research project that tracked the evolution of Canadian broadcasting policy over a five-year period in the late 1980s during a substantial review process that culminated in the rewriting of the federal Broadcasting Act.

Research focused on specific policy developments in Canada between 1985–90 during which time the Canadian Broadcasting Act was completely rewritten following lengthy inquiries by three official bodies. Several hundred groups and organizations, as well as thousands of individuals, participated through public intervention before one or another of the inquiries (the Caplan-Sauvageau Task Force on Broadcasting Policy, 1985–86; the House of Commons Standing Committee on Communications and Culture, 1987–88; the House legislative committee to study Bill C-136, summer 1988). Bill C-136 died on the order paper and was reintroduced as Bill C-40 in October 1989 after which debate proceeded, somewhat less intensely, until the new Broadcasting Act was adopted in the House of Commons on 5 December 1990, and finally took effect in June 1991.

The review process mobilized a wide array of actors and generated a substantial amount of public debate and lobbying activity. Our research was designed to uncover how various groups positioned themselves both publicly and through lobbying in order to best promote their diverse and often conflicting interests with respect to broadcasting.

Historically, this process was inscribed in a well-established Canadian tradition going back to the early days of radio in the 1920s. For broadcasting scholars, it was interesting to note the extent to which the main policy issues were essentially contemporary manifestations of historical themes such as cultural sovereignty, the relationship of the public and private sectors, the driving role of technology, the tendency of government to encroach on the autonomy of the system, tensions surrounding jurisdiction between Ottawa and the provinces (especially Quebec), linguistic duality and the social function of broadcasting.

In each of these areas, specific issues were played out in struggles for
influence between a wide range of social, political and economic actors. As a study of the formation of broadcasting policy, our purpose was not to develop a general public policy perspective, but rather to understand the importance of the policy process in establishing broadcasting as a contested terrain.8

Broadcasting policy

In terms of the sheer number of people it reaches, broadcasting is the most pervasive medium of mass communication our society has ever known. It is no wonder then that so many different sectors in society seek to influence the broadcasting policy-making process as a way of promoting their broader objectives. As one research group headed by McQuail and Siune concluded, following an international comparative study on the introduction of new broadcast media in Western Europe, the actors concerned perceive the media as instruments of power and seek deliberately to influence them, through policy, in order to promote their ends.7

Among comparable countries, Canada is exceptional in the extent to which broadcasting policy making takes place partly in the public sphere.8 Beginning with the Royal Commission on Radio Broadcasting in 1928 and the subsequent legislation of 1932, every major change to the Canadian broadcasting system has been preceded by a public forum, either through a parliamentary committee or a separately mandated body, sometimes both. In the day-to-day supervision of the system by the independent regulatory agency, the Canadian Radio-television and Telecommunications Commission (CRTC), public hearings are required by law for most regulatory and licensing procedures. They are also employed to generate public input to the policy initiatives the CRTC must undertake from time to time. Parallel to this, interested groups will usually carry on vigorous lobbying campaigns, both direct and indirect (for example, using the media), with whatever means at their disposal, to influence those who are actually in control, or who have immediate access to the policy-making apparatus. In their European study, McQuail and Siune confirmed what one might have assumed from even a cursory look at the policy-making process:

1. Formal policy decisions are generally the result of decisions already taken in centres of power where industrial and financial interests have privileged access;
2. Decision makers are more likely to be influenced by those who gravitate around them than by those who are too far away to have any influence; and
3. Public participation is not determining, is only consultative and is strictly reactive, resulting in minimal influence.

But McQuail and Siune also came to certain conclusions that indicate policy making is by no means entirely closed or pre-determined but is rather a dynamic process. For example, (1) no single group appears to be in complete
control of the situation, each one depending on the support of others in order to influence the issues in the direction of its own interests; and (2) the evolution of policy is also influenced by the ideological or discursive positions voiced during the public part of the policy-making process as part of the struggle to exercise influence.

Our study established the importance of transparency and openness in allowing access to the policy process— and consequently to the broadcasting system— for non-industrial public interest and sociocultural interest groups in Canada. As we shall see, certain aspects of policy development closely followed the general tenor of public debate, as reflected in the positions taken by different interest clusters during the public consultations. In general, basic principles were the subject of broad consensus. As soon as particular interests, especially economic ones, were considered, however, the means deployed to promote these interests were radically increased, and the jockeying for influence tended to take place in the corridors. In this article, we report on the relative influence of different categories of actors with regard to Canadian broadcasting policy in light of the resources they enjoy and the strategies employed to maximize these resources.

The actors among themselves

As Siune and Truetschler have shown, "media politics" is a field with its own dynamics. In today's media environment, technological, economic and political factors interact and intersect in the area of policy. But while economic and political interests may have more direct means of influencing media development, the impact of the media is to a large degree sociocultural. The policy area thus emerges as a site for struggle between economic, political and sociocultural actors over the particular issues that are at any given time critical to the orientation of the media.

Within this analytical framework, it should, theoretically, be possible to situate all actors within three general categories corresponding to institutional, industrial and sociocultural interests, and every intervention seeking to influence Canadian broadcasting policy should follow the logic that characterizes the activity of the state, the market or social movements.

The actual actors often do not fit neatly into one or other categories.
They also harbour ambiguities and contradictions that make their interests difficult to distinguish and classify and that often lead to strange alliances. Industrial groups representing different technological generations (conventional broadcasters versus cable distributors, for example) are often at serious odds with one another over important policy issues. Major public sector players like the Canadian Broadcasting Corporation (cbc) and the provincial educational broadcasters do not have a predominantly commercial interest in broadcasting but are clearly part of the broadcasting "industry." The unions and associations representing creative and production personnel have clear economic interests in broadcasting but little direct economic leverage; their sociocultural concerns, however, are significant. For analytical purposes, therefore, it makes more sense to organize the actors under the general headings of decision makers, broadcasting industry undertakings (public and private) and social or cultural groups (organized public and personnel organizations).

Decision makers

In any area of public policy, government necessarily plays a crucial role. However, except on certain fundamental questions where broadcasting policy overlaps with the government's general objectives, government tends to act largely as an arbiter in this area, responding primarily to interests rather than issues. Its main role is to set the agenda and timetable for formal policy development.

Canadian broadcasting legislation dates from 1932. In 1958, an "objects and purposes" clause was written into the Broadcasting Act in order to provide some guidance to the new independent regulatory authority, the Board of Broadcast Governors. When the act was rewritten in 1968, a "broadcasting policy for Canada" was included for the first time. Much of the debate over the broadcasting policy review of the 1980s revolved around one or another aspect to be introduced, modified or withdrawn from this text, Article 3 of the Broadcasting Act.

In spite of this, however, the Canadian government clearly had no precise policy with respect to broadcasting. Article 3 is in part a statement of general principles, in part a formula for dealing with specific questions, but it can not be considered a coherent "policy." Political parties, as well, tend not to have well-developed policies regarding broadcasting, and, to the extent that they do, these quickly fall by the wayside once the party comes to power. In the period studied, the federal parties per se intervened hardly at all, except for individual members of Parliament whose interventions usually reflected personal concerns rather than party positions. An important exception to this, however, was the parliamentary committee, which played an independent role, and, in many respects, nonpartisan role, even at one point publicly clashing with the minister.
The minister, in fact, often plays a determining role in broadcasting policy. Several persons interviewed underscored the importance of the role of the minister who is in many respects the interface between public and private influence jockeying and those aspects of policy that must be brought to cabinet. Flora MacDonald, for example, is credited with insisting on inclusion of an employment equity clause in the new act, despite industry opposition, and her predecessor and successor, Marcel Masse, was clearly important in maintaining the clauses on linguistic duality.

The minister is the person most sought-after by those seeking to influence broadcasting policy. According to Serge Gouin of the Quebec cable conglomerate Vidéotron, a direct intervention with the minister can quickly solve a lot of problems. Michael Helm, senior broadcasting policy officer at the former Department of Communications, agrees that the key point in the process is when the minister approves the brief to be sent to cabinet. As that is where decisions, especially controversial ones, are ultimately made, the minister is therefore influential indeed.

The minister and the government will be more directly involved in broadcasting policy in the years ahead, to the extent that broadcasting moves up the list of economic and technological priorities on the way to constructing the new Information Highway. With the dismantling of the Department of Communication in 1993 and the dispersal of its activities to the new Department of Heritage and the Department of Industry, there are in fact now two ministers dealing with broadcasting issues, especially in the sensitive areas relating to industrial and technological development. For example, the Information Highway Advisory Council, created in 1994, reports to the minister of industry while the heritage minister develops policy regarding culture and Canadian content for the new infrastructure. The government is also using the CRTC in an advisory capacity with regard to the Information Highway. In fact, a major issue in the broadcasting policy review concerned the government’s insistence on a new “power of direction” through which the cabinet can orient the CRTC on broad policy questions. This power was first used in April 1995 when the cabinet instructed the CRTC to call for applications and issue licences for direct-to-home satellite services after it dispensed with the licensing procedure in authorizing a Canadian consortium, ExpressVu, to go ahead with such a service.

Senior department officials responsible for policy orientation are also highly influential. According to task force co-chair, Gerald Caplan, “Those senior civil servants have a considerable amount of influence. They become knowledgeable. They can’t and don’t remain neutral. They have strong opinions, and they push them.” In short, they defend their turf. The department is also crucial in dispensing influence insofar as it identifies those actors who will get to speak to an attentive ear. According to Jeremy Kinsman, assistant deputy minister responsible for broadcasting during the policy review
INFLUENCING BROADCASTING POLICY

period, in order to ensure that the broadcasting proposals would fly, both technically and politically, it was necessary to consult leading industry representatives up to and including the major interested players. Among those consulted directly, according to Kinnman, were individuals such as Douglas Buset (Baton Broadcasting), Michael Holby (wrc Communications), Israel Arseni (CanWest Global), Ray Peters (cyc), as well as representatives of Videotron, Télévision Quatre Saisons and the industry associations. 19

According to Bill Roberts, a former ccrv staff member and Canadian Association of Broadcasters (cAB) Vice-president, now senior management executive at TV Ontario, "They really did go through a lot of consultation and there was an awful lot of 'What if we did this?' or 'How would you react if we did that?' or 'Would you go to the wall on this? We know you're opposed, but would you hold your nose if we did this?' There was a lot of that in the environment."

David Bond, formerly of the cAB, and Michael Hind-Smith, then of the Canadian Cable Television Association (ccta), both told us their views were regularly solicited on legislation concerning their membership. Hind-Smith said the ccta was consulted in detail at every stage of the legislation. "We said far more than we had the opportunity to say in front of the parliamentary committee because by the time it gets to the parliamentary committee there's pretty much not much you can do about it. It's in the draftsmanship stage that the hard bargaining goes on."

What these claims indicate is that in the eyes of actors with clear economic interests, the department is an essential and influential interlocutor. More significantly, these actors enjoy a kind of access to key civil servants that simply eludes most of the others who are thus constrained to focus their efforts on public opportunities. As far as the non-industry groups were concerned, the role of department officials was mainly to calm down cantankerous public interest advocates from groups such as the Friends of Canadian Broadcasting.

The role of the task force and the parliamentary committee took on a special significance in this context. While not strictly decision-making bodies, their influence on the process was considerable. The task force early on demonstrated its autonomy by deciding to hold public meetings despite a contrary cue from the minister, setting the tone for its generally favourable reception by sociocultural groups and the scepticism of industry. According to Lina Trudel of the Institut canadien d'éducation des adultes (iceda),
"One of the goals of the exercise was to verify whether Canadians still believed there was something to preserve with regard to broadcasting. Minister Masse must have felt that the most conservative members of his party were calling the CRTC into question... What we must remember about that report was that it put the brakes on a whole process of privatization and deregulation."

According to Ian Morrison of the Friends, the task force was "a large net that collected a lot of opinion and probably tended to be more consumer-oriented or small group-oriented than it was to the special interest groups in broadcasting." Michel Arpin, then of the CAR, feels the task force adopted a "divide and conquer" approach to industry, meeting companies separately and minimizing the role of their associations. According to Caplan, the private sector almost systematically refused to appear before the task force in public meetings, but insisted on private meetings. Task force members affirm they were the object of lobbying, although not with the same expectation of results directed at, say, the Department of Communication.

Following publication of the task force report, the private sector regrouped to orient its reaction towards decision makers. According to David Bond:

Their proposals were in essence anathema to the industry... we received a copy of the report from Caplan and Sinagra ... four days before it was released... we broke up the report into chunks and everybody read a chunk and we all came back and gave a report of what the hell it means and then we said, 'Well this is it, we can't live with this, this is going to be a disaster.'

'Having gone through all that,' I said, 'We've got to figure out an overall strategy as to how we present our attitude,' and we came out with the strategy that said essentially we think this is a profound piece of work, that they've done a remarkable job, we were very impressed with it... and then we listed the things that we were unimpressed about, and began with the most minute trivia that we could find... [the press] never got down to the meaty things like 'We don't agree with the Canadian content'... The minister was impressed that we supported her report... and the cable guys came out looking like Amul the Hun.

The private sector also worked directly to try to influence the parliamentary committee. "The broadcasters have the capacity to touch every one of the MPs," says David Bond, "because every one of the MPs uses the members [of the CAR] in one way or another to get their message out to their constituents." But the response to the committee's report as well was much more positive among sociocultural groups than within industry. According to Lana Trudel, "They did a remarkable job. They worked relentlessly and were very much aware of their responsibility... They were also attentive. When we went before the parliamentary committee, we had the impression they
Influencing Broadcasting Policy 419

were listening not only to business but also to groups like ours, which is not always the case when we go before the CRTC or the government."

In private meetings with task force officials, broadcast representatives repeatedly emphasized their financial difficulties as arguments for reduced regulatory and policy demands on their contributions to Canadian culture.

Interestingly, in light of the above, many actors, particularly in industry, consider that on an ongoing basis the CRTC is the most influential decision maker in Canadian broadcasting. According to Rogers Communications vice-president Phil Lind, "The guy who gives you your licence is the guy you have to focus on... there's only one. That's the commission [CRTC]." The fortunes of the CRTC tend to be closely tied to the strength of its president. The CRTC president during the policy review period, André Bureau, was considered particularly influential by other actors because of his drive, vision and efficiency.

Continuing to steer the Canadian broadcasting system from the helm of the CRTC throughout the review process, Bureau became involved in a major polemic with the minister following the CRTC's November 1987 decision to license a twenty-four-hour cable television news service to the CRTC's "Newsworld" rather than to Alberta-based Allarcom Ltd. "Mme MacDonald refused to have anything whatsoever to do with us after that," he says. It was just at that moment, however, that the government was preparing its draft legislation. According to MacDonald, the case of "Newsworld" confirmed the view that "the CRTC is out of control." 20

According to Bureau, the CRTC was cut out of consultation from that point on and consequently found itself in the position of any other unempowered actor obliged to intervene publicly in order to seek to influence the process. Having taken the precaution of obtaining advance clearance from the Prime Minister's Office, Bureau opposed the bill's proposed power of instruction clauses in an extraordinary appearance before the parliamentary committee. In the absence of a clear social consensus one way or the other on this issue the government held its ground, although the scope of the power was softened somewhat.

The importance of the CRTC is indicated equally by the attention it receives as the object of industry lobbying efforts. On a day-to-day basis - that is to say, with respect to policy execution rather than elaboration - the CRTC attracts the lion's share of industry energies. According to Lavud Bond, "The CRTC talks with the major broadcasters on an almost continuous basis ... there's a tremendous amount of interchange between the broadcasters
and the CRTC, both at the staff level and the commissioner level. It's incestuous almost to a degree." As chief executive officer of the CRTC, Bond says, he had breakfast with André Bureau around once a month.

Serge Gouin explains the mechanics of the relationship: "It happens in various ways... [When we wish to make a transaction], we check with the CRTC as we move ahead. Then before filing an application, we meet with the commissioners to explain it to them... then comes the more formal period. We submit the file; we appear at the hearing, and so on."

Michael Hind-Smith, as well, insists on the importance of clearing the terrain before the CRTC is formally apprised of an issue. Here as elsewhere, agenda-setting is crucial. According to Bill Roberts, "The stake is to put those interests on the commission's agenda in such a way that they are taken into the [CRTC's] mainstream deliberations. I don't believe that the women's movement or the native people or handicapped have been as successful in integrating their wants, needs and desires into the culture of the CRTC, whereas... the cable industry has been very successful in making consultation with the cable industry on almost any matter the norm."

Before passing to the next category, we must take account of a "hybrid" group of decision makers who, insofar as they possess few direct powers in broadcasting, end up functioning more like lobbyists: provincial governments. The government of Quebec, by all accounts, is in a class of its own within this category, both in the attention it pays to broadcasting issues and in the influence it has on the issues that concern it.

Of all the major actors, the Quebec government is the only one that, on principle, does not formally intervene in public consultations, although it uses other public platforms to articulate its positions. Quebec ministers of communication Jean-François Bertrand (Parti Québécois) and Richard French (Liberal) met privately with the Caplan-Sauvageau task force in 1985 and 1986. According to French, the fact that Quebec has its own antennas into the global network of francophone communications makes it a valuable interlocutor for Ottawa as well.

Quebec's privileged access to the administrative and political apparatus in Ottawa provides a kind of two-tiered lobbying process for the broadcasting enterprises that make up its "clientele." An association such as the Association canadienne de la radio et de la télévision de langue française (ACRTF) will use the Quebec government as an additional lever in its lobbying efforts vis-à-vis the federal ministry. In 1990, for example, Quebec's commercial broadcasters used Quebec civil servants to help make their case for getting Radio-Canada out of television advertising.

According to Hélène Cantin, director of broadcasting for the Quebec Ministry of Communication, gaining recognition of the distinct character of French-language broadcasting was "the main point on which we worked vigorously [between 1985 and 1990], because it seemed to us to orient all the
rest." Quebec's view was that "if we arrived at recognizing the distinct character of francophone broadcasting, that would be a fundamental variable that would influence all the rest. So it was very important, first to demonstrate it and then, to put it in the law ... and to put it in the law at the right place."

Quebec and federal ministry officials were in close touch throughout the legislative process, Cantin says. In fact, Ottawa-Quebec collaboration in communication policy was an important element of the constitutional thaws of the early Mulroney years as the government sought to build bridges to Quebec as part of its program of national reconciliation. Regular contacts were established and maintained at the deputy minister level, and a series of mechanisms put into place allowed for the unblocking of a number of long-stalled issues: aid to communication enterprises under the regional economic development agreement, collaboration on the international francophone satellite channel TVS, and a federal-provincial committee on the future of French-language television services.

"I think we can say our intervention was successful," says Hélène Cantin, referring to the three sub-clauses of the act that mention the specificity of French-language broadcasting. In sum, the role of Quebec constitutes an eloquent counter-example of our thesis that all actors are obliged to present a case in public forums in order to be taken seriously.

Industry

Industry discourse seeks to legitimize the privileged positions of the actors concerned. In private meetings with task force officials, broadcast representatives repeatedly emphasized their financial difficulties as arguments for reduced regulatory and policy demands on their contribution to Canadian culture. Paradoxically, private industry during this period publicly exhorted the government to increase its support of the CRTC, which would have had the dual effect of reducing the public broadcaster's dependency on advertising and justify expecting it to make a predominant contribution to policy objectives. "You tell them the CRTC is the most important instrument in this country," Toronto executive Douglas Bassett (Baton Broadcasting) is said to have told task force co-chair Gerald Caplan. In public hearings, however, Bassett was the most outspoken proponent of total CRTC withdrawal from television advertising.

As the leading broadcaster in the public sector, the "cornerstone of Canadian broadcasting," the CRTC operates with its own logic and is in many respects a power in its own right, albeit a declining one. However, it is still a broadcasting undertaking and in many respects competes directly with private broadcasters. It is also the object of much attention by sociocultural groups. It appears before the parliamentary committee and the CRTC on a statutory basis and lobbies decision makers.
According to many observers, the CBC's performance in all of these situations often makes it appear to be its own worst enemy. In its public appearances, the corporation often appears aloof and remote, and its indirect approaches are often beside the mark as well. Seriously affected by budget cuts beginning in the early 1980s, the CBC was generally unable to place the blame where it belonged — with the government — by failing to publicly justify draconian measures such as the 1990 closing of local television stations. It is in no respects considered a model of effective policy intervention. On the other hand, the CBC had no shortage of supporters willing to defend it aggressively during the policy review.

The future of the CBC was by far the issue that elicited the most interventions. Among those we studied, more than two thirds favoured strengthening the CBC's position in the system, and only fourteen per cent proposed either maintaining the status quo or reducing the CBC's role in some way. A similar consensus was expressed at a special round of parliamentary committee hearings in 1994, called to consider renewing the corporation's mandate in view of its chronic funding problems. The CBC's financial trials continue, however, most recently leading to the March 1995 resignation of president Anthony Manera in protest against continuing budget cuts. 

Educational broadcasting, on the other hand, provided an excellent example of the possibilities of a well-organized public sector lobbying campaign. Un satisfied by the short shrift given educational broadcasters in Bill C-136 (a single sentence of the need for the system to provide educational programs), TVOntario chief Bernard Ostry had a critical letter read into Hansard by Liberal Senator Royce Frith and then used the time leading up to the tabling of Bill C-40 to pressure, through the government of Ontario and the Association for Tele-Education in Canada (ATRC), for an extended sub-clause. The new version was far more precise in recognizing the place of educational broadcasting organizations in the system — a crucial distinction for educational broadcasters. In this case, an effective campaign combining public and private pressure bore fruit. Ostry, however, is quick to point out the key factor that made it possible: no important broadcasting interest was in any way threatened by the simple objective of his campaign.

Conventional private broadcasters' claims to a social conscience manifest themselves in public declarations that they are giving consumers what they want, while contributing as much as they can to Canadian programming. In private, however, the broadcasters were extremely aggressive at defending themselves against any imposed obligations. According to former CAR director, David Bond, "There are some people in the industry who are somewhat smallie-conservative, somewhat reactionary, who feel that once given a licence, that should be it, and there should be no further "meddling" from the government. And something like the task force was viewed as a potential threat, it was going to be costly to deal with, and the fact that we couldn't sit
down and write the report was regarded as a sad, sad thing." The broadcast-
ers mobilized fully to block the task force recommendations.

...[It was not surprising that policy decision makers were in many respects 'captives' of the cable industry, considering that the industry has successfully managed to make its own interests coincide with those of the public - a public increasingly defined by both the cable industry and the CRTC as a market of consumers.

One of the advantages enjoyed by private broadcasters is that they are based locally and thus have a certain leverage with backbench MPs. As an industry, they are, on the other hand, in fierce competition with the cable industry with which increasing numbers of broadcasters have corporate links. And while the broadcasters are generally credited with blocking the final adoption of Bill C-136 in the fall of 1988, it was not the broadcasters but rather the cable distributors who ultimately got a policy that suited them when the new act was eventually passed.

On the cutting edge of technological development, the cable industry emerged as the winner in the process - an assessment confirmed by its 1993 crowning by the CRTC as the sector on which Canada would place its last best hope for cultural sovereignty. According to Rogers Communications executive Phil Lind, it was not surprising that policy decision makers were in many respects "captives" of the cable industry, considering that the industry has successfully managed to make its own interests coincide with those of the public - a public increasingly defined by both the cable industry and the CRTC as a market of consumers. The cable industry's success has thus been due to an astute combination of addressing consumer desire while couching its agenda in the politically correct language of Canadian cultural nationalism. For public authorities in the 1990s, be they legislators, policy makers or regulators, the ideological aura of consumer sovereignty combined with cultural sovereignty is both seductive and irresistible.

According to broadcasting consultant Paul Audley, the great machine that drives broadcasting in Canada is in the pitched battle to provide American programming to Canadians, and when private broadcasters did that, they controlled the cash flow and they were omnipotent. As the cable industry gradually took over the function of being the funnel through which American programming got to Canadians they became most powerful. Cable and private broadcasters compete directly now to see who is going to provide American programming to Canadians. This is what drives our broadcasting system and the rest is window dressing.

It is thus important to recognize the heterogeneity of the private sector in
broadcasting where industrial subgroups are fiercely competitive. Insofar as each group prizes to a relative degree on both public opinion and policy favour, ideological posturing plays an important role. Tactical alliances often emerge between groups external to industry and branches within the industry on the basis of similarly articulated positions. At the same time, however, the policy environment is extremely sensitive to the real alignments of power in broadcasting. Thus, regardless of an overwhelming consensus expressed in the review process in favour of limiting the scope of cable undertakings, Canadian broadcasting policy in the 1990s continues to bank on the expanding success of the cable industry.

The major branches of broadcasting industry, the broadcasters and the cable distributors, operate along similar lobbying lines: permanent representation in Ottawa, multiple direct contacts and public intervention. By their very nature, broadcasting and cable enterprises are present in every riding in the country, and local MPs are often used as an easily accessible channel to try to reach decision makers. It is through their industry associations, however, that the private sector maintains direct contact with key bureaucrats and top politicians.

According to Michael Hind-Smith— for many years the cable industry’s man in Ottawa— the CCA would as a matter of course seize every opportunity to present its case in public. For particularly important interventions, the association would hire expert consultants and stage a “rehearsal” of the hearing, simulating all likely questions and putting them to the spokespeople involved.

The CCA employed twenty-two people in its Ottawa office in 1990 and enjoyed a budget of $3 million. “Our job is simply to try to reconcile the interest of our membership with public policy,” says Hind-Smith. This means every conceivable form of contact: “... meeting with and dealing with the bureaucracy whose job it is to translate a report into policy... dealing with the minister and the government caucus... dealing with the media to simply put out and document the arguments we feel that certain recommendations should be rejected... We do that with vigour and with some success.”

“The role of an association is informal rather than formal; it plays its role in the backrooms,” says Michel Arpin, a former executive of both the ACRIF and the CCA.

An association does not only play the minister of communications... It knows that in the structure of government, before something goes to cabinet, it must pass through committees and sub-committees. So an association maintains sustained relations with all the ministers who sit on the various sub-committees... with the members... with the caucuses...[with] all the MPs who once upon a time worked in broadcasting... It must also work with the bureaucracy, with the deputy ministers, the assistant deputy ministers, the directors-general, the directors. It must know how to intervene at different levels, in order to influence the process of government.
Arpin insists on the importance of targeting interventions properly. It is rarely by telephoning the Prime Minister’s Office that one can address a broadcasting policy problem. “One has to aim lower,” he says.

But Michael Hind-Smith insists that political contacts are not enough; arguments must be presented and articulated in a manner that justifies the

The groups representing social interests cover the entire range of Canadian society, but they share in common the important characteristic of being outside the broadcasting industry. As industry outsiders, they do not enjoy the same influence on the decision-making apparatus, even though that apparatus is deemed to ensure that the broadcasting system serves ‘the public interest’

position one is trying to defend. Former Quebec minister of communication, Richard French, echoes this sentiment:

There is a tendency inevitably, to regard [industry players] as more sophisticated interlocutors because they know more, because they’ve more information, because they understand the system better. It has nothing to do with the fact they represent economic interest that I’m more attentive, but they are more effective because they represent economic interest, because they are more organized, because they know how to structure an argument, gather information and because, at the end of the day, if you don’t get on Acadiel Chougan’s [Vidéotron] cable, you just don’t reach Quebeckers in the first place.

According to Gerald Caplan,

The influence of the private broadcasting/cable group in having access to the minister, to the minister’s staff, to the senior civil service, to the CRTC and its staff and members to other members of the cabinet and to some MPs is a very, very strong influence, stronger than almost anybody else’s ... It implies contact, it implies communication, it implies access. There are ties that other people don’t have, and there’s no doubt that it is unequal access.

Social groups

The groups representing social interests cover the entire range of Canadian society, but they share in common the important characteristic of being outside the broadcasting industry. As industry outsiders, they do not enjoy the same influence on the decision-making apparatus, even though that apparatus is deemed to ensure that the broadcasting system serves “the public interest.” Their already marginal position is further weakened by the fact that certain influential actors question the legitimacy of a process that allows any place whatsoever for those with no pecuniary interest in broadcasting.
Vidéotron executive Serge Gouin, for one, feels the groups are simply a bother: "These are not people who represent public opinion, they are a certain elite who look at television a certain way ... They are marginal groups who have no mandate ... who do not represent the population and who make representations as though they do ... They have a strong lobby ... the media listens to them and the politicians listen to them, and with very little resources they gain a lot of ground." According to Gouin, the social groups are more influential than industry.

This is an extreme position, however. Michel Arpin's position, for example, is more subtle, perceiving the groups as a necessary participant in the process. Equally irritated by the systematic criticism levelled at broadcasters, Arpin concedes that decision makers are nonetheless aware of the groups' marginality with the result that "in the final analysis they are well received, politely received, but their impact is relatively small."

It becomes extremely important in this context for non-economic actors to demonstrate a convergence of perspectives with officially stated social and cultural objectives, if they wish to influence direct policy choices. This involves identifying, seeking out and winning over policy makers sympathetic with the overall objectives of Canadian broadcasting policy. It also involves playing to public opinion.

In the period following the tabling of the Caplan-Sauvageau report, the Canadian Association for Adult Education (CAAE) and its francophone counterpart, the Institut canadien d'éducation des adultes (ICEA), sought to keep the policy debate in public view by organizing a "national tour," in French and in English, aimed at increasing public pressure for a public interest-oriented broadcasting system.

The operation increased the political capital of the organizing groups by providing both visibility and credibility at a critical stage in the process. According to Lina Trudel of the ICEA, when the group appeared before the parliamentary committee, "it was obvious that our reception went far beyond our strength. We had consulted the public and we deposited a report of that public consultation. And they knew that that report was true to what the people had said."

Groups such as these are at a disadvantage when it comes to direct lobbying of decision makers. They are usually short on resources and often on experience as well, not to mention a lack of ideological and political empathy with senior politicians. There are interesting counter-examples to be found, however, in cases where groups were able to successfully apply industry lobbying tactics. For example, the Coalition pour la défense des services français de Radio-Canada was instrumental in obtaining inclusion in the act of a clause specifying that English and French language services of the CBC should be of "equivalent quality."

The coalition grew out of efforts initiated by the Cartel intersyndical des
INFLUENCING BROADCASTING POLICY

employees of Radio-Canada, which, according to spokesperson Michel Parenteau, worked at first through the traditional channel of appearing at public hearings:

We [the cartel] brought together people who had never used this means of intervention to support their point of view ... whom to contact, how to register for public hearings, how to keep in touch with what was happening ... All of that involves a kind of expertise that we had accumulated over the years ... So, we intervened [before the task force and the parliamentary committee] through these very normal, official channels.

The coalition adopted a different approach, in light of our awareness that a brief or an appearance is often simply lost among all the others ... So the coalition undertook a real lobbying effort. Instead of developing its action according to the usual practice of grassroots groups, individuals, trade unions and so on, it applied the model used by the broadcast associations, large corporations and decision makers.

In addition to its public interventions, the coalition organized its strategy around direct contacts: "... meetings, dinners, trips to Ottawa and Quebec, sessions with members of Parliament, decision makers, business leaders and so on, to explain the position of the coalition and try to convince them it was well-founded ... We used exactly the same techniques as the large corporations."

Similar strategies were employed by groups such as the Friends of Canadian Broadcasting, the women's organization MediaWatch, the Canadian

Ethnocultural Council, the Fédération des communautés francophones et acadienne du Canada, various First Nations associations, as well as organizations representing the creative sector of broadcasting industry such as ACTRA and the Canadian Conference of the Arts.

The success of these groups depended on a combination of factors including resources, style and the capacity to mobilize public opinion. Communication scholar Lorna Roth, a regular consultant to aboriginal and ethnocultural groups, underscores the importance of networking and combining the efforts of volunteers, professional lobbyists, public figures and sympathetic officials in the policy-making apparatus.
The experience of the Centre for Research/Action on Race Relations (CARRR) is revealing in this respect. Based in Montreal and previously inactive in broadcasting, the CARRR had to lobby politicians simply to be invited to appear before the legislative committee. According to Roth, the CARRR garnered the necessary invitation through the office of former Opposition critic, Sheila Finestone. The group was one of the last to intervene in the public phase of the process, guaranteeing the inclusion of a reference in the act to the “multiracial” as well as multicultural obligations of the system.

The question of employment equity in broadcasting provides another example. Lis Jeffrey intervened on this subject on behalf of the Common Committee on Mass Media in the 1990s, a group of media professionals whose goal was to get women included in the Broadcasting Act.

Our first point was to try and put forward a voice saying: “Women must be in the act. Make this a priority.” One of the things that animated us was the Charter of Rights agreement. We wanted to get women in the Broadcasting Act like we got women in the Constitution. So, it became a widely shared conclusion that it was necessary to have some legislative expression, some basis for regulation, so that a variety of women’s concerns could be addressed, such as portrayal and participation.

The group knew that minister MacDonald supported this view but that the broadcasters were opposed. When Bill C-136 came up before the legislative committee, they felt that some committee members were clearly waiting for a proposal that had the consensus of the groups concerned:

After we finished our appearance, [committee chair Jim Edwards] said to us: “You know, you’ve got to go away and come up with something that everybody can live with and you’ve got to get that into the minister’s office,” and that’s exactly what we did. We went back to [our] hotel and sat down until we could reach something we could agree on. I called Actra in Toronto. We had phone calls, the whole business, and then Media Watch representatives took this suggestion for an employment clause... over to the minister’s office.

With this in hand, Jeffrey maintains, committee members “Jim Edwards, Sheila Finestone and Lynn McDonald, along with Flora MacDonald, apparently were in a final room where they were all attempting to get the final wording for the final act... It was those four who agreed this had to be in there.”

Over the strenuous opposition of the private sector broadcasters, an employment opportunities clause was written into the Canadian Broadcasting Act.\(24\)

In the final analysis, the broadcasting policy review experience demonstrates that influence in policy making is a relative affair. This may not be a novel discovery to seasoned public policy analysts but it is certainly worth emphasizing for the benefit of social groups who may otherwise be too quick to internalize their critique of the system to their ultimate strategic dis-
advantage. In fact, the efforts of social and cultural groups managed to include in formal policy texts certain elements that may, eventually, lead to concrete gains. As for the industries concerned, their success consisted mainly in minimizing the adoption of measures which could have a negative impact on their financial position by increasing their obligations. In the first type of case, policy was seen as an instrument of social development, while in the latter it was an obstacle to circumvent.

Conclusion

There is often an important gap between what is said and argued in public discourse on broadcasting and the concrete measures that emerge from policy decisions. As far as the policy-making process is concerned, however, the following is axiomatic: (1) public consultations are a critical element of the process in which any actor who wishes to influence the process must participate; (2) however, to the extent that resources and channels of communication allow, each actor will also seek direct access to decision makers.

Having said this, there are important distinctions in the perceptions of different actors. Those who feel close to the decision makers attach less real importance to their participation in public consultations, viewing these as a kind of operation of simultaneous efficie. It must be done, but that is not where the real game is being played. Others, meanwhile, place all their cards in this part of the process because they have no serious alternative recourse.

Public consultations, therefore, play various roles according to the type of actor concerned; the farther one is from the centres of power and decision making, the more important public intervention is as a means of possible influence in the absence of more direct channels. In an area such as broadcasting, where the stakes are both economic and sociocultural, public intervention is far more likely to be effective on social issues. Our study showed that this part of the process can open up space in which an otherwise disempowered actor can speak, often with surprising results.

In areas such as educational television, community broadcasting, linguistic duality and employment equity, formal policy has been strengthened by the successful efforts of non-industrial lobbying. We must note, however, that in each of these issues other circumstances combined with the perhaps necessary but not sufficient public consultations. And against these few, albeit important successes, must be weighed how many failures?

Interestingly, all the players we interrogated tended to underestimate their own influence and overestimate that of their most immediate "adversaries." The only exception was the cable industry, which claims it convinced decision makers of the justice of its positions by making its interests coincide with those of the public.

Among decision makers, influence is shared by the government, the Department of Communication (now split between two departments, Heri-
tage and Industry) and the CRTC, with crucial roles playable by the minister and the CRTC chair, depending on who occupies these positions at the time. Typically, the minister can be the key influence on policy elaboration and the CRTC chair on policy execution. On particular issues, the responsible ministry functionaries cannot be overlooked.

The peculiar Canadian practice of reporting to committees and study groups favours public participation, as well as creating ad hoc structures that elude the immediate influence of traditional power brokers. The influence of such bodies depends, however, on their credibility and on their ability to strike a chord in public opinion, for they are generally without actual power. In a similar sense, individual experts can be extremely influential in certain circumstances.

When the question is raised with participants and observers to the process, a constant subtext concerns the relative legitimacy of industrial versus sociocultural groups. Who, in fact, should enjoy influence over broadcasting policy? Here, too, the answer depends on who is speaking.

In short, social interest groups and commercial interests are generally in an adversarial relationship. Decision makers, on the other hand, lean towards the latter but rely nonetheless on reaching a social consensus and support from all sectors to justify policy that often originates from a general agenda that has nothing to do with broadcasting. This was the case, for example, with the government’s determination to promote a nominally nationalistic broadcasting policy, in spite of industry opposition, as a way of appeasing social groups angry about the Canada–US Free Trade Agreement.

To conclude, one observes a definite historical continuity of economic and political issues, defined by industry and decision makers, as the driving force of Canadian broadcasting policy. As to social and cultural factors, these are primarily promoted by the creative sector, by organizations representing various social interests and by watchdog associations, which monitor the evolution of the system in the name of a general public interest.

The influence of all these depend largely on access to public opinion, and through it, to the points of decision making. Access is, at this point, guaranteed strictly through the tradition of public consultations. Without this, broadcasting policy in Canada would be determined almost exclusively according to the economic interests of industrial parties, modified to take into account the political agenda of the Canadian state.

Notes
3 See Canada, Task Force on Broadcasting Policy, *Report of the Task Force on Broadcasting Policy* (Ottawa: Minister of Supply and Services, 1986), Canada, Standing Committee on Commu-
INFLUENCING BROADCASTING POLICY

nations and Culture, A Broadcasting Policy for Canada (Ottawa: Minister of Supply and Services, 1986); and Canada, Communications Canada, Canadian Voter Canadian Choice: A New Broadcasting Policy for Canada (Ottawa: Minister of Supply and Services, 1986).

4. The fact that bills C-136 and C-49 reached through several versions enabled us to track the evolution of specific policy proposals and match them to the publically articulated positions of the participants in the process. In addition to the interviews, which are liberally quoted in this article, we analyzed the public interventions of 165 actors across a spectrum ranging from government agencies to industry associations and public interest groups. For a detailed report on the methodology employed, see M. Raboy, "Le rôle des acteurs dans l'élaboration de la politique canadienne de la radiodiffusion," Communication / Information, 11, no. 3 (Fall 1990), pp. 251-71.

5. The literature on the history of Canadian broadcasting includes a substantial number of policy-oriented studies, and the policy process itself has generated numerous volumes. See the bibliography in M. Raboy, Media Opportunity: The Story of Canada's Broadcasting Policy (Montreal: McGill-Queen's University Press, 1990). It should be noted that policy research is only beginning to be recognized internationally as an area of focus in communication and cultural studies, which have tended to be dominated by such fields as content and textual analysis, organizational studies, and, more recently, reception studies. Whereas in Canada, the link between policy and culture is virtually self-evident, it is still a struggle for cultural policy analysts elsewhere to get on the agenda of academic debate. See, for example, K. Malm and B. Wells, Media Policy and Music Activity (London: Routledge, 1992) and S. Cunningham, Framing Culture: Criticism and Policy in Austria (North Sydney: Allen and Unwin, 1992). Conversely, while the public policy community in Canada generally recognizes the cultural sphere as an important area of policy activity (see, for example, S. Brooks, Public Policy in Canada: An Introduction (Toronto: McClelland and Stewart Ltd., 1988), this does not necessarily translate into a general sensitivity to the importance of policy and the policy process in shaping the Canadian cultural environment.


8. In the legal and scholarly literature on broadcasting, the term "access" usually refers to the capacity of a given population to receive broadcasting content (as in, "Every Canadian is entitled to access to the CBC") or, alternatively, to distribute it (as in, "Community television aims to provide access to the air"). I use it here in a third sense, to mean the institutionalized capacity of groups and individuals with no direct pecuniary interest in broadcasting to participate in policy making, policy evaluation and regulatory procedures with a reasonable expectation of influencing the outcome.


11. For example, in the Canadian case, Federal politicians in the 1960s and 1970s clearly attributed an instrumental function to broadcasting (particularly the CBC) as a tool for the construction of national unity. To their great frustration, and despite repeated policy initiatives, this didn't work, and Canadian broadcasting has in fact contributed to fostering two vibrant
linguistic cultures in Canada, at obvious cost to the conception of Canada as a unitary nation. See M. Raboy, "Mistaken Opportunities," Chapter 4.


15 This was the actual title of Article 3 of the 1968 act. See Canada, Revised statutes of Canada 1967-68, Broadcasting Act, Chapter 25.


17 The issue sparked controversy as it was seen to favour a competitor of ExpressVu, Power DirectTV, whose owners have a family tie to the prime minister.

18 Except where otherwise stated, all citations in this article are from interviews conducted by the author in June and July 1998. Some have been translated from the original French.

19 This part of the process is discussed by J. Meisel, "Flora and Fauna on the Rafters: The Making of Cultural Policy," in K.A. Graham, ed., How Ottawa Speaks: The Conservative Hearing Into the Stench (Ottawa: Carleton University Press, 1988), pp. 47-60; J. Meisel, "Near the Finish Line: The Parliamento of a Broadcasting Policy," in K.A. Graham, ed., How Ottawa Speaks: 1895-1990 (Ottawa: Carleton University Press, 1988), pp. 131-63; and F.M. Stark, "The New Broadcast- ing Act: National Unity, Regionalism, and Commercialism" (paper presented to the Association for the Study of Canadian Radio and Television, Victoria, 1996). According to these authors, the initial content of Bill C-136 was tested on industry representatives in a two-day brainstorming session at Moroh Lake prior to the drafting of the bill. Also present were close aides to the minister such as former policy maker Ernest Steele, academic Richard Schultz and Meisel himself.


21 Exclusive federal jurisdiction over broadcasting has been affirmed by Supreme Court rulings in 1933 (radio) and 1979 (cable). In 1994, the Supreme Court ruled that Ottawa had sole jurisdiction in this area of telecommunications as well.


24 As a result, the ccre has since adopted an employment equity policy, and equality of employment opportunities is now routinely included as a condition in broadcasting licensing procedures. See Canada, Canadian Radio-television and Telecommunications Commission, "Implementation of an Employment Equity Policy" Public notice ccre: 1992-39 (Ottawa: ccre, 1 September 1992).