



Public Notice CRTC 1993-78

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RELIGIOUS BROADCASTING POLICY

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I. BACKGROUND

In Public Notice CRTC 1992-8 dated 8 May 1992 and entitled "A Review of the Policy on Religious Broadcasting", the Commission announced that it would hold a public hearing to review its policy with respect to religious broadcasting. Requests and submissions received from several individuals and from groups across Canada had convinced the Commission that it was timely to revisit its 1983 policy on the licensing of religious broadcasting undertakings, as set out in Public Notice CRTC 1983-112 dated 2 June 1983. The Commission held a public hearing beginning 19 October 1992 in the National Capital Region and continuing during the week of 26 October 1992 in Winnipeg, Manitoba. The Commission received over 2,600 written submissions and heard oral presentations from 56 individuals and organizations.

The Commission's policy on religious broadcasting is based upon the requirements of Section 3 of the *Broadcasting Act* (the Act), which states that the programming provided by the Canadian broadcasting system should provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern. The Commission has taken the view that the most appropriate and effective way to achieve the objectives of the Act is to require that the programming of each individual licensee be balanced. In its 1983 policy statement, the Commission determined that, since undertakings dedicated exclusively to the views of a particular religion, denomination or sect would, by their very nature, be predisposed toward one particular point of view, they would be unlikely to satisfy the requirement to provide balance in their programming. As a consequence, the Commission maintained its policy of not licensing new AM, FM or TV undertakings for the purpose of providing a religious programming service.

In its 1983 notice, the Commission nevertheless expressed the view that the introduction of a new, broadly-based network programming service devoted to serving the varied religious practices and beliefs of Canadians would be consistent with the increasing trend toward the delivery of specialized programming by satellite. The Commission also stated that, given adequate safeguards, such a service could satisfy the requirements set out in section 3 of the Act. As a result, the Commission issued a call for applications for a licence to carry on a satellite-to-cable, religious programming service to serve the varied religious practices and beliefs of Canadians on a national, interfaith basis.

Subsequently, in Decision CRTC 87-900 dated 30 November 1987, the Commission approved an application by Canadian Interfaith Network (Vision TV).

II. THE 1992 PUBLIC HEARING

In Notice of Public Hearing CRTC 1992-8, the Commission identified three broad issues that it wished to address at the 19 October 1992 hearing:

1. the general matter of balance with respect to programming on matters of public concern;
2. the particular issue of an appropriate licensing policy for religious broadcasting; and
3. the matter of religious programming on conventional radio and television stations.

During the two weeks of hearings, the Commission explored these issues as well as the relationship between religious broadcasting policy and fundamental social principles.

1. The Issue of Balance

At the forefront of discussions at the hearing was the issue of whether the Commission's policy requiring the expression of differing views on matters of public concern imposes reasonable limits to freedom of expression on the airwaves. Generally, those who supported the existing policy viewed it as promoting both freedom of speech and social accord by exposing the public to a variety of voices and opinions.

Many who opposed the policy argued that an important consideration underlying its rationale for limiting the right to freedom of speech in broadcasting, namely that there was a scarcity of broadcasting frequencies, is no longer valid. These parties further suggested that, in a free market environment, with virtually unlimited channel capacity, the broadcasting system would provide its own balance by offering the public a wide range of programming choices.

Some representatives of mainstream Christian denominations, other religions, and the broadcasting and cable industries maintained that the future was uncertain. They stated that the Commission's policy of requiring balance in the programming of individual licensees was based on several important considerations and should be preserved, regardless of the number of channels or frequencies available. There was a consensus among these groups that the system would not likely be self-balancing, even with greatly expanded programming choices. They also noted that the task of ensuring differing points of view over a number of channels would not be practicable for the Commission to carry out.

Opinion was divided as to whether the subject of religion, itself, should continue to be regarded by the Commission as a matter of public concern. Some argued that Canadian society has grown more tolerant since the 1920s, when disputes among religious groups in radio broadcasts became a matter of public concern. There was a consensus among mainstream Christian denominations and other religions that religious programming displays greater tolerance due to the Commission's balance requirement and through the co-operative spirit of the religious communities participating in the multifaith specialty programming undertaking, Vision TV. These parties, however, expressed concern that a policy permitting the licensing of single-faith broadcasting undertakings could lead to new intolerance. While most evangelical Christian groups were of the opinion that single-faith broadcasting would not revive past controversies, they acknowledged difficulty in sharing a program schedule with other religious faiths and denominations whose views differ from their own.

2. Licensing policy

Representatives of evangelical churches supported a more flexible licensing policy, citing a strong demand for more religious programming and a need for the Canadian broadcasting system to provide programming with values distinctly different from those evident in the programming currently provided by broadcasters. According to these representatives, religious programming can play an important role in the lives of Canadians in need of positive guidance, particularly youth.

Several other parties stressed the importance of developing a religious music industry in Canada. They expressed the view that Canadian contemporary religious music generally receives little airplay on Canadian radio stations. They also suggested that there is a demand for such music, and urged the Commission to license undertakings dedicated to religious music in order to enable Canadian religious music talent to reach audiences.

Representatives of the broadcasting and cable industries, however, considered that what demand exists for religious programming is effectively met through licensed undertakings such as Vision TV and by the religious programs carried by conventional radio and television stations and on cable community channels.

Some parties opposed a specific licensing policy for religious broadcasting on the grounds that all broadcasting has a "religious character" to the extent that it reflects a particular world view. They considered that all broadcasters should therefore be treated equally.

Others contended that, because of the potential of some religious groups to exploit people, specific safeguards, such as guidelines on ethics and fundraising, should be part of a religious broadcasting policy.

Evangelical Christian groups were divided on the matter of Canadian content in the programming of undertakings devoted to religious programming. Some argued that religious content has a "universal" character and should not be subject to Canadian content requirements. Other evangelical Christian groups urged the Commission to support the development of Canadian religious programming to compete with foreign programming services that may soon be available through direct broadcast satellite.

3. Religious programming on local stations

At the hearing, the Commission addressed the issues of the availability and diversity of religious programming on local Canadian over-the-air broadcasting undertakings. Producers of religious programming told the Commission that it is difficult to buy airtime on conventional stations and that religious programming is relegated to marginal time slots. Consumers of religious programming claimed that the religious programming provided by conventional undertakings does not fulfil their needs and interests. For their part, representatives of the broadcasting industry stated that broadcasters are providing an adequate amount of religious programming.

The Commission extends its appreciation to all the individuals, families, churches and organizations who participated in this review.

In the following section, the Commission sets forth its religious broadcasting policy.

III. A RELIGIOUS BROADCASTING POLICY

A. Policy Principles

The Commission's new approach to its religious broadcasting policy is based upon the following principles:

1. Recognition of Alternative Values

In developing its approach to religious broadcasting, the Commission sought to be responsive, not only to technological advances, but also to the daily realities facing many Canadians in an increasingly complex society, particularly residents of communities where suicide, alcoholism and loneliness are widespread. The Commission heard eloquent and convincing testimony that religious programming can provide a valuable service to those in such circumstances.

The Commission has also sought to be responsive to the expressed desire of many that greater provision be made for the exposure of Canadian religious music and for support of a Canadian religious music industry.

Some parties spoke of their desire that the Canadian broadcasting system provide services with values distinctly different from those they see expressed through the programming now available to Canadian audiences.

In this respect, the Commission notes that it has supported the availability of many Canadian radio and television services providing alternatives to mainstream, commercial programming. Nevertheless, the Commission is persuaded by the argument that religious values, in particular, play an important role in the lives of many Canadians. Since these values are communicated increasingly through radio and television, the Commission considers that those religious groups who choose to use the Canadian broadcasting system to reach their congregations should not be discouraged.

The Commission's objective is to meet the legitimate needs and interests of those who wish to receive various kinds of religious programming, without diminishing the integrity and strength of the Canadian broadcasting system. In seeking to achieve this goal, the Commission has taken into consideration the fact that religious broadcasting has the power to provide spiritual comfort. At the same time, the Commission is acutely aware of instances where this power has been abused. While the Commission is of the view that a more flexible approach to the licensing of religious programming services is warranted, it also considers that this flexibility must be accompanied by rigorous guidelines on ethics to assist broadcasters of religious programming and to guard against egregious intolerance and exploitation.

Accordingly, the Commission considers that any religious organization or foundation using the Canadian broadcasting system to solicit funds should be a charity, and should be registered as such with Revenue Canada in accordance with the Income Tax Act. Registered charitable organizations or foundations must, among other requirements, make available an annual public information return describing the charity's purpose and activities and setting out financial details regarding receipts and disbursements.

2. The Importance of Balance

It remains a principal tenet of the Canadian broadcasting system that licensees should provide balance on matters of public concern. Simply stated, the Commission's balance policy seeks to ensure that a reasonably consistent viewer or listener will be exposed to a spectrum of differing views on issues of public concern within a reasonable period of time. Freedom of expression has always been a fundamental consideration under this policy. Such freedom includes both the right to speak and the right to be informed. The Act declares that the airwaves are public property, and that the programming of the Canadian broadcasting system is a public service. Accordingly, it is reasonable to give preference, as the Act does, to the right of the audience to be informed about differing views on matters of public concern. Correspondingly, those who choose to express their views should be able to do so in a tolerant and welcoming environment.

The challenge faced by the Commission is how to reconcile this important policy, one of proven effectiveness, with the equally important values and needs expressed by the majority of those participating in this proceeding. In the Commission's view, these two goals are not irreconcilable.

In order to avoid interference with freedom of expression, the Commission has permitted broadcasters the greatest flexibility possible to determine which issues are of public concern and how balance can best be achieved. While a token expression of alternate points of view is not acceptable, the provision of equal time has never been required. In addition, the Commission does not prevent broadcasters from airing their personal points of view or beliefs on any subject, as long as the balance requirement is met in the overall programming of each licensee.

As previously stated in Public Notice CRTC 1983-112, the Commission acknowledges that there remains a "degree of controversy frequently associated with religious practices and beliefs". Accordingly, the Commission will continue to view religious matters to be of public concern. Those who broadcast religious programming have an obligation to offer differing views on matters of general public concern and, at the same time, must expose the audience to different points of view on religion itself.

In its 1983 policy, the Commission stated that it would be unlikely that a single-faith religious broadcaster would be able to achieve the latter obligation. The Commission therefore suggested a national, multifaith model that, through its ownership and participation structure, would foster balance and diversity among the different religious faiths in modern Canadian society. At the local level, the Commission considers that it may not be realistic in every case to expect broadcasters to implement such a model. It considers that local religious broadcasters can work within the existing flexible guidelines of the current balance policy in order to keep their audiences informed of differing perspectives on issues of importance, including religion itself, while addressing the particular needs of the communities they serve.

3. Greater Flexibility for Discretionary Services

The Commission, by majority vote, has determined that the time is appropriate to extend even greater flexibility to licensees who wish to provide religious television services on a discretionary basis to subscribers of distribution undertakings. The two weeks of public hearings in the National Capital Region and in Winnipeg generated discussion about whether technologies such as digital compression and universal addressability are likely to challenge conventional

perceptions of the scarcity of frequencies and role of broadcasting in society. Many of those who submitted comments were of the view that the expanded range of programming and more personalized selection that these technologies might offer the consumer will continue the trend to narrowcast or niche programming services paid for directly by the subscriber. Some parties speculated that such an environment of choice may eventually afford the Commission more flexibility in determining the most appropriate means of fulfilling the objectives of the Act with respect to balance.

In Public Notice CRTC 1993-74 of today's date concerning the future structure of the Canadian broadcasting system, the Commission recognizes that the evolution of digital technology, coupled with universal addressability, will increasingly permit the availability of programming services aimed at very specific audiences and offered on an "à la carte" basis. The Commission, by majority vote, has therefore determined that it will not be necessary for licensees of religious undertakings to provide balance in their programming, as defined by the Commission's policy, provided that these services are distributed on cable **on a discretionary basis**, and adhere to very specific restrictions regarding their packaging and linkage. Such an approach would make single or limited point-of-view religious services available only to those who wish to pay an additional fee for them and, at the same time, ensure that more widely available services continue to provide viewers with differing views on matters of public concern.

B. Licensing Policy for Broadcasting Undertakings Devoted to Religious Programming

Having reviewed the submissions received in response to Public Notice CRTC 1992-8 and having set out its basic policy principles, the Commission announces the following policy for the licensing of broadcasting undertakings devoted to religious programming.

1. Definitions

For the purposes of its licensing policy, the Commission will maintain the definition of **religious** set out in Public Notice CRTC 1983-112, namely, "anything directly relating to, inspired by, or arising from an individual's relationship to divinity, including related moral or ethical issues". Accordingly, a **religious program** will continue to be defined as "one which deals with a religious theme, including programs that examine or expound religious practices and beliefs or present a religious ceremony, service or other similar event". With respect to radio, this definition of **religious program** will be interpreted as including block programs with musical selections. It will not include religious music programs in which the spoken word content is non-religious.

While the Commission's policy does not draw distinctions between a religious programming undertaking and a conventional programming undertaking, it will expect applicants proposing a television programming undertaking designed to meet the religious and spiritual needs of its audience to propose a service that is devoted entirely to religious programming. Further, the Commission will require applicants wishing to air non-religious programming as part of a proposed service to demonstrate why such programming is necessary and that it will not unduly affect other television licensees operating in the same market.

Applicants seeking licences to carry on new commercial radio undertakings to provide religious programming will be subject to the Radio Market Policy set out in Public Notice CRTC 1991-74 dated 23 July 1991. The Commission also expects all radio and television licensees who broadcast religious programming to adhere to the guidelines on ethics set out in this public notice. The Commission may require such licensees to adhere to these guidelines by condition of licence.

2. Over-the-Air, Balanced, Religious Services

Licensees whose **over-the-air** radio and television services are devoted to religious programming should be guided by the criteria set out below.

a) Balance

Generally speaking, a broadcaster who fulfils the following criteria should satisfy the balance requirement:

- i). Broadcasters must deal with matters of public concern in their programming and do so in a balanced fashion. Not all programming need be balanced, only that relating to matters of public concern. The Commission considers religious matters to be of public concern.
- ii). Broadcasters should, in the first instance, determine for themselves when an issue is important enough to merit full discussion presenting a wide range of opinions, in what manner the differing views should be presented, and who should present them.
- iii). In general, a broadcaster need not provide balance in each program or series of programs, but rather in the overall programming offered by the undertaking, over a reasonable period of time.
- iv). To attain balance, a broadcaster need not necessarily give equal time to each point of view. Rather, the Commission expects that a variety of points of view will be made available in the programming offered by the undertaking to a reasonably consistent viewer or listener, over a reasonable period of time.

In Public Notice CRTC 1988-161 dated 29 September 1988 and entitled "Balance in Programming on Community Access Media", the Commission noted a number of mechanisms that would assist licensees in achieving balance. Among these were the scheduling of periods for viewer or listener reactions, providing access to complainants, searching out alternative points of view, and producing or acquiring programming to satisfy the balance requirement.

Applicants seeking licences to carry on new radio or television undertakings to provide religious programming should be prepared to demonstrate to the Commission how they intend to ensure balance.

b) Ownership and Management

Under the new policy, the Commission will no longer expect an applicant seeking a licence to carry on a new over-the-air radio or television undertaking for the broadcast of religious programming to have a multifaith ownership and management structure. The Commission will,

however, require an applicant to demonstrate that the programming it proposes to provide will adequately meet the needs of the community it serves. In some cases, this may mean providing multifaith programming.

c) Other Requirements

All over-the-air radio and television undertakings devoted to religious programming will be subject to the requirements set out in the Radio Regulations, 1986, and the Television Regulations, 1987, respectively, including the requirements regarding Canadian content. The Commission considers that sufficient Canadian resources exist to produce attractive Canadian religious programming, including recorded music. Moreover, it is important to note that the purpose of Canadian content requirements is not to deny Canadians access to foreign programming, but to ensure that Canadians have available to them services that are predominantly Canadian in character and reflective of Canadian society.

Any applicant seeking a licence for an undertaking to offer a television service devoted to religious programming will also be required to file a detailed programming plan outlining the religious programming it proposes to offer. If the plan is accepted, the Commission will usually require adherence to it as a condition of licence.

In the case of radio, the Commission may require an applicant, by condition of licence, to provide the amount of religious programming it has proposed.

3. Foreign Religious Services

Many parties expressed their desire to rebroadcast American religious services over the air in Canada. While the Commission acknowledges the support that exists for these services in certain communities, section 3 of the Act clearly states that each element of the Canadian broadcasting system "shall contribute in an appropriate manner to the creation and presentation of Canadian programming" and "shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming". The Commission therefore will maintain its policy of not licensing undertakings for the rebroadcast of non-Canadian radio or television services, religious or otherwise.

4. Religious Services on Basic Cable

The Commission recognizes the important role played by the existing national, multifaith religious service, particularly through its ability to promote tolerance and co-operation among different religious groups in Canada. The Commission notes in this regard, the strong support for Vision TV expressed by the representatives of both Christian and other churches at the hearing. This service has welcomed all religious groups, speakers, and philosophies, and has presented them in a manner that has encouraged and facilitated the discussion and appreciation of all facets of religious experience. In the Commission's view, this type of balanced service should be available to the largest possible number of Canadians.

5. Discretionary Religious Services

In view of the policy principles expressed above, the Commission, by majority vote, has determined that greater flexibility towards Canadian religious services distributed on a discretionary basis is warranted. Accordingly, the Commission announces its policy that applicants seeking a licence to operate a religious specialty or pay programming undertaking, and who wish to offer programming that espouses a single or limited point of view on matters of public concern, will not be required to adhere to the current balance policy.

Applicants wishing to provide such a service should be guided by the following criteria.

a) Distribution

The Commission considers it imperative that these services be distributed to viewers **on a discretionary basis** and in such a manner that consumers must make a clear, positive choice to pay for and receive them. Consequently, such services should be distributed in an **encrypted** mode.

b) Packaging and Linkage

Single or limited point-of-view discretionary religious services may be packaged **only** with other Canadian religious programming services. This approach would permit the creation of a tier of religious programming services that may be attractive to certain subscribers, while preventing any possibility of other subscribers being obliged to purchase single or limited point-of-view religious services in order to access other types of services. Packaging with other Canadian religious services will be at the discretion of the licensees of the program undertakings concerned.

Canadian religious programming services may **not** be linked with foreign non-religious services. Canadian religious services may be linked with foreign religious services on a 1:1 ratio in the case of a specialty service, and a ratio of 5 foreign to 1 Canadian in the case of a pay service. Linkage is only applicable within the package offering the Canadian religious services. At the appropriate time, the Commission intends to establish a list of eligible foreign religious services to be linked exclusively with Canadian single or limited point-of-view discretionary religious services. Linkage with a foreign religious service will be at the discretion of the licensee of the Canadian programming undertaking.

c) Ownership

Undertakings providing discretionary religious services will not be required to have a multifaith ownership and participation structure.

d) Other Requirements

All discretionary religious television services will be subject to the requirements set out in the Pay Television Regulations, 1990, or the Specialty Services Regulations, 1990. Canadian content requirements and quantitative limits on advertising for discretionary religious services will be established on a case-by-case basis. Like over-the-air undertakings that broadcast religious programming, discretionary religious undertakings will be expected to adhere to the Commission's guidelines on ethics for religious programming.

IV. GUIDELINES ON ETHICS FOR RELIGIOUS PROGRAMMING

All licensees who broadcast religious programs will be expected to adhere to the following guidelines on ethics.

The purpose of these guidelines is to serve as an effective guide to program development, production, acquisition and scheduling, and to protect viewers and listeners against intolerance and exploitation, particularly those vulnerable to religious solicitations.

These guidelines recognize and support the freedom and rights of individuals and groups to state their beliefs freely and clearly, and are intended to enable individuals and groups to communicate these beliefs in an appropriate and meaningful manner. The Commission, however, expects that programming of a religious nature, like any programming, must demonstrate tolerance, integrity and social responsibility.

These guidelines apply to all Canadian and non-Canadian religious programs broadcast by Canadian licensees.

The Commission expects all licensees to comply with strict provisions regarding the solicitation of funds. In particular, the Commission expects that the wording and tone of any solicitations for funds shall not:

- place an undue responsibility on the viewer or listener to respond to the appeal;
- be alarmist in suggesting that the program may be discontinued in the absence of such a response;
- predict divine consequences of not responding, or exaggerate positive results of responding;
- intimidate the viewer or listener in any way.

The same guidelines apply when printed materials soliciting funds are presented to viewers or listeners.

Programming Practices

Licensees who broadcast religious programs should ensure that the following practices are observed:

1. No programs shall have the effect of abusing or misrepresenting any individual or group.
2. No group shall be targeted for the purpose of conversion or proselytism.
3. While groups and ministries are free to express their views about activities that they deem to be "sinful", they shall not call into question the human rights or dignity of any individual or group.
4. When programs are planned that deal with or comment on the beliefs, practices, liturgy or behaviour of another religious group, the licensee shall ensure the accuracy and appropriate context of such content.

The Commission may impose the above guidelines on ethics as a condition of licence, particularly if it receives complaints concerning a licensee's religious programs.

V. RELIGIOUS PROGRAMMING ON CONVENTIONAL STATIONS

The Commission will continue to encourage licensees of conventional stations to reflect the religious and spiritual needs of the communities they serve. The concept of local reflection is founded on the principle that the right to use the public airwaves entails a responsibility to those members of the Canadian public resident in a licensee's service area.

Related Documents

- Public Notices CRTC 1983-112 dated 2 June 1983, CRTC 1988-161 dated 29 September 1988, CRTC 1991-74 dated 23 July 1991, CRTC 1992-34 dated 8 May 1992 and CRTC 1993-74 dated 3 June 1993; Notice of Public Hearing 1992-8 dated 8 May 1992; and Decision CRTC 87-900 dated 30 November 1987.

Allan J. Darling
Secretary General

Dissenting Opinion of Commissioners David Colville, Garth Dawley, Yves Dupras, Rob Gordon, Beverley Oda and Gail Scott

1. We are in agreement with most of the proposed changes to the Commission's religious broadcasting policy in this public notice. However, we are fundamentally opposed to the decision to adopt as a tenet of broadcasting policy, that the Commission is prepared to license discretionary programming services, which would not be required to commit to providing balanced programming on issues of public concern, and in the case of this policy, single point of view religious services.
2. The strength of the broadcasting system and the country it serves is rooted in a common commitment to freedom of thought and expression. The system belongs not to individuals or groups, but to all Canadians. Through decades of technological change one principle has stood firm and is vital to its survival - it is owned by the people and administered by the government in trust:

the Canadian broadcasting system makes use of radio frequencies that are public property and provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty [s. 3(1)(b)] - *The Broadcasting Act* (the Act)

A licence to participate in the system is not a right but a privilege. Until now, it has been granted only to those who are prepared to pledge their commitment to freedom of expression by providing access to all voices which might be raised on issues of public concern (i.e. to provide balance).

3. The notion of balance is one of the cornerstones of broadcasting policy and regulation and is founded in the "Broadcasting Policy for Canada" declared in section 3 of the Act.
4. Section 3 of the Act declares in part that:

the programming originated by broadcasting undertakings should be of high standard [s. 3(1)(g)]

the programming provided by the Canadian broadcasting system should

- (i). be varied and comprehensive, providing a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes, [s. 3(1)(i)(i)]
 - (ii). (iv) provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern [s. 3(1)(i)(iv)]
5. Therefore, the Commission adopted and has maintained a policy approach that while the Act states the system must be balanced, it will require each licensee or undertaking to provide balance, insofar as it relates to providing a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern. In the public notice issued today, the Commission continues to maintain the position that religion is not

only itself a matter of public concern, but also, by its nature, deals with moral, ethical and social issues of public concern.

6. The Commission's policy as set out in Public Notice CRTC [1988-161](#) indicates that the requirement for balance may be satisfied in a number of ways which provide the needed flexibility to accommodate a wide range of religious views.
7. The majority decision is based on the premise that a new broadcasting environment has emerged which provides unlimited choice. It proposes that where the subscriber has a choice to subscribe, for a fee or not, and the service is offered on an à la carte, discretionary basis, balance should not be a licensing prerequisite.
8. We do not accept that the fundamental policies which apply to broadcasting regulation should be eliminated even in an environment of unlimited choice. Indeed, as was noted by the Caplan-Sauvageau Task Force on Broadcasting Policy, the issue of scarcity of frequencies is only one of the reasons for which broadcasting requires regulation in Canada:

Although the scarcity of radio frequencies was for a long time the main justification for restrictions, it has never been the only one. The social and cultural importance of broadcasting, the still little-known effects of broadcasting on audiences, and the need to protect certain minorities have been added to scarcity of frequencies and to the need to co-ordinate transmission sources as reasons for regulating broadcasting.

...

It is not so much on the ground of the scarcity of radio frequencies that this policy [of maintaining the public ownership of the airways] is justified, but rather because of the importance of broadcasting in maintaining our national identity and expressing the values upon which our society is based. (Report of the Task Force on Broadcasting Policy, 1986, p.147)

9. The economic and technical realities of the broadcasting environment in Canada dictate that there are practical limitations on the number of services that could be provided in any given market. Thus, the Commission could not license the myriad of channels that would be required to provide balance on a system-wide basis whether nationally or in any one market. Even if such constraints did not exist, the Commission could not be assured that any individual channel or service applicant would come forward to provide balance. As Caplan-Sauvageau noted:

...the radio frequencies that can be used for broadcasting are not unlimited; nor does the availability of a large number of channels guarantee access to them. It is unlikely that the time will come when anyone who happens to have the appropriate resources will be able to broadcast at will, just as written materials are printed and published. (Report of the Task Force on Broadcasting Policy, 1986, p. 146)

10. We do not believe the Commission can drop the balance criteria on the basis that subscribers can choose or not choose to take a service. Although the public can choose to subscribe or not subscribe to cable, the Commission requires all licensed services to be balanced. The

Commission has licensed a number of discretionary services all of which are required to provide balance on matters of public concern in their programming and which the subscribers have an option to take.

11. If the Commission no longer requires balance for religious services on the grounds that they are offered on a discretionary basis, it follows that there is no reason to require balance for any service. The Commission will have no policy reason to deny applications for other single issue services which might promote a single point of view on any social or political issue. Moreover, the Commission could not guarantee that services providing alternative views to such a single idea service would apply for a licence and thus be available to provide balance. If such service applications did come forward, they may not be licensed for any number of other reasons. Therefore the Commission could no longer ensure system balance.
12. By removing the responsibility for balance from individual licensees, the Commission itself would be required to exercise this responsibility by other means. The Commission may have to intrude on freedom of expression by pre-clearing or censoring programs to achieve balance. This is clearly not an acceptable approach in a democratic society and may not be a legal option for the Commission.
13. We believe that so long as the Government of Canada requires that broadcasting services be licensed, the CRTC must ensure that such services are offered to Canadians in a manner that provides a balance of views on matters of public concern.
14. We are not suggesting that religious services be denied access to broadcasting technology to convey their religious messages. Religious groups can broadcast their message through conventional general interest broadcast stations. In addition the Commission provides for the licensing of multifaith specialty services, such as Vision TV, to accommodate a wide variety of religious faiths and views.
15. In this public notice issued today, the Commission is amending its current policy on religious broadcasting in order to provide for the licensing of single faith services, or services which are owned or controlled by a single faith group, provided they commit to the balance criteria. We support these changes to the religious broadcasting policy.
16. Those who will not commit to providing balance can still proclaim their message provided their programs are broadcast on a channel that incorporates balance through the inclusion of other views. A faith group whose perspective is so narrow it cannot commit itself to meeting the balance criteria in this way is demonstrating an intolerance which is inconsistent with the objectives of the Act.
17. Our position that the balance criteria must continue to apply to each licensee is not simply based on a desire to see the balance principle continue for its own sake. Our main opposition to licensing a service which will not commit to balance is the potential that continued exposure of consistently one-sided views may prove to be a destructive force in Canadian society.
18. We are disturbed by the extent of social, cultural and racial intolerance which is often rooted in religious intolerance. One need only look to Bosnia, the Middle East, India, Northern Ireland, South Africa and other world "trouble spots" to observe this phenomenon in its most violent form.

Such cultural and racial intolerance is less dramatic and violent, but no less real, in Canada.

19. The Commission noted the important influence of broadcasting on the issue of tolerance in a 1991 brief submitted to the House of Commons Standing Committee on Communications and Culture. In speaking to the value of multilingual broadcasting the brief stated at page 18:

The Commission believes that these services foster a strong attachment to this country because, above and beyond the programming they offer, they send a powerful signal of tolerance and respect that each individual beneficiary of these services implicitly recognizes and understands.

20. We believe that removing the requirement for balance in discretionary religious broadcasting will promote religious, cultural and racial intolerance in Canada and will lead to a weakening of the cultural, political, social and economic fabric of Canada.
21. As Commissioners of the CRTC, entrusted with the regulation of Canadian broadcasting, we cannot support a policy which would allow the licensing of any unbalanced broadcasting services. We believe that this policy will result in an unbalanced Canadian system. Such a policy is not in the long-term interests of a tolerant Canadian society and is in our view contrary to the Act.