



DOCUMENTARY
ORGANIZATION OF CANADA
DOCUMENTARISTES
DU CANADA

2010-952 Hearing Presentation

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1. Chairman, commissioners, thank you for the opportunity to present before you today. My name is Lisa Fitzgibbons and I am the Executive Director of the Documentary Organization of Canada/ l'Association des documentaristes du Canada. To my right is Mr. Cameron McMaster, our policy and research coordinator. To my left is Mr. Jacques Ménard, DOC member and President of Les productions des collines whose documentaries include: *Arctic Hip Hop*, *The Recipe Diaries*, and *A Scattered Identity (Ma parte manquante)*.
2. DOC is the collective voice of independent documentary filmmakers and producers across Canada. It is a national non-profit arts service association representing over 800 directors, producers and craftspeople in the documentary community, from all provinces and regions of the country.
3. In our presentation today, we'd like to discuss the following:
 - a. the supply and demand of documentaries;
 - b. a documentary baseline requirement;
 - c. policy monitoring.

Introduction

4. Over the course of the last century, documentaries have told our stories to Canadians and the rest of the world, and brought the world's stories to our doorstep. Documentaries provide a window on national, regional, and local stories and tell stories that are meaningful, critical, entertaining and engaging. Our documentaries have received national and international critical acclaim, and indeed, have become synonymous with Canadian creative expression.
5. Today, however, the documentary industry is in crisis. The combined impact of the financial recession, genre creep, lack of documentary commissioning, and the consolidation of the Canadian broadcasting services have created the perfect storm which has decimated the Canadian documentary industry. The sector is experiencing job losses, massive drops in production volume, declining regional production, less access to funds, and fewer windows.
6. Our members are distressed and it is their opinion that the outcome of this proceeding will decide the fate of the Canadian documentary sector. The implementation of Policy 2010-167 ("the policy"), while offering programming flexibility to broadcasters, should not compromise the Commission's responsibility towards the creation of programs that serve the national interest nor ignore the cultural objectives set out in the Broadcasting Act.

Documentary Production

7. Unlike English Drama production, English documentary production has fallen below levels reached in 2000-01. As per Appendix A, English documentary volume is 3% lower than what it was in 2000-01 (\$191 million), and 20% lower than its ten year average (\$231.9 million). Since its peak in 2006-07, English documentary production has fallen every year by an average of 15%. Clearly, if the policy is to meet its stated objective of supporting programs that serve the national interest, regulatory action must be taken.
8. Broadcasters are now the gatekeepers of the documentary genre: they control how much is produced and what is broadcast. They contribute financially to documentaries through licence fees which in turn trigger other critical forms of financing such as CMF, provincial funding, tax credits, and film funds. Since 2006-07, total private broadcaster licence fees for English television production have dropped by 20%.
9. Although broadcasters interest in documentary has waned, there are faithful documentary audiences.

Documentary Audiences

10. If Saturday is “Hockey Night in Canada” on CBC, then Thursday night has become “Documentary Night in Canada”. Beginning in 2008, the CBC curated a consistent and accessible programming slot for documentary which was supported by suitable promotion. This programming offer competed with the highest rated shows on Canadian television: *the Big Bang Theory*, and *Grey’s Anatomy*.
11. Appendix B, tracks a 6 month period in 2010-11 of viewership for *The Nature of Things* and *Doc Zone*. It indicates that if documentaries are predictably scheduled, audiences will show up and consistently return. And, if aggressively promoted, the shows can garner respectable audiences of up to almost one million.
12. When asked why they don’t program documentaries, private broadcasters respond that there’s no convincing economic argument for them do so. However, this ignores the fact that documentaries garner consistent audience levels. One of every two documentaries watched in English Canada is Canadian whereas only 14% of all dramas watched in Canada are Canadian. (appendix C). Furthermore, broadcasters ignore the ever-green quality of documentaries whose value extends far beyond their original broadcast.
13. Broadcasters have spoken about bringing Canadian eyeballs back to the regulated television environment. But perhaps Canadian viewers are forced to seek programming elsewhere because they are not finding what they want on Canadian television screens. Documentary festivals, semi-theatrical, and online portals offer Canadians the types of documentary programming that

broadcasters are not commissioning. Last year, a combined audience of almost 200,000 Canadians attended les Rencontres internationales du documentaire in Montréal, Hot Docs in Toronto, and DOXA in Vancouver. And, since 2009, the NFB online portal has had over 10 million views.

14. Documentaries provide Canadians comprehensive and varied content. Television viewers are not a homogeneous group, and past history has shown that a diverse offering of programs has served audiences well. It is one of the main principles of the Broadcast Act. The typical documentary viewer is aged 50 years and older.¹ Canadians aged 50 years and older, represent over 33%² of the Canadian population.³

Our Policy Implementation Strategies

15. DOC supports the new television regulatory policy. It provides broadcasters the flexibility to program their services while promoting underrepresented genres, including documentary, through predictable expenditure requirements. The success of this policy will depend on its uniform application and strict enforcement of its criteria.

16. The PNI rate should be based on historical expenditures. We don't have access to all of the broadcaster financials, or the corrected PNI spends of the broadcasters. We cannot declare how much the historical expenditures should be raised in order to make sure there is healthy production. Regardless of the PNI percentage, we want to see a baseline requirement for documentary production.

A Documentary Baseline Requirement

17. The priority programming regime did not include any explicit requirements to commission documentaries, and consequently, there's been a decline in regional production, strands have been cancelled, and every year, fewer documentary projects have been commissioned. Unless a documentary baseline requirement is introduced, the PNI system will suffer the same problems.

18. DOC argues that 30% of broadcasters' PNI allocation be spent on documentaries. We believe that 30% is a suitable amount. Appendix D illustrates that this percentage is actually below the 10 year average of the PNI volume for English Canadian productions.

19. We recognize that the current policy aims for flexibility but increased flexibility may result in all documentaries being slotted on specialty services rather than

¹Getting Real 4, pp. 54-57. 2011

²Annual Demographic Statistics, 2005 p, 50 published by Stats Can

³3.1.(i) 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,

conventional television. DOC is worried that flexibility will come at the expense of access. We would hope to see broadcasters allocate PNI to conventional services given that they are the most accessible broadcasting services in Canada. In order to maintain a diversity of programming on conventionals, we further propose that 20% of all PNI expenditures directed to conventional television be spent on documentaries.

20. Otherwise we risk seeing the trend evidenced in our Appendix E harden: in 2008-09, there were 21 documentaries broadcast by CTV and Global, 4 less than what was broadcast in 2000-01, and, in 2010, that number will be lower still. And some of those programs were not actually documentaries as the misapplication of the documentary definition has been rampant. *Popstars*, *So you think you can dance*, and *Canadian Idol* were among those titles labeled as documentaries in the independent production reports.
21. Single-episode documentaries are broadcast on anthology strands so that audiences have a predictable, and consistent location to find Canadian documentaries. *W-Five Presents* and *Global Currents* were the main strands for documentaries in the private conventional space, and both broadcasters stopped commissioning independent documentary productions in 2009-10. Prior to going on hiatus, these programs were broadcast in the summer months or during the weekends, making it more difficult for audiences to find them. This kind of peekaboo programming results in “watch-by-chance” audiences. Even producers don’t know when their programs are going to air.
22. Although some broadcasters argue that a baseline requirement is superfluous or impedes the flexibility of the system, it is our view that without regulatory action, broadcasters will commit the minimal amount necessary to documentaries, as has been witnessed over the past several years.

Regional Production

23. As Appendix F demonstrates, production has become increasingly centralized in Ontario over the last 10 years. Without strict requirements to commission programs from the regions, this centralization will continue. Programming from the regions should be a condition of licence. At a minimum, a broadcaster should have dedicated resources to regional commissioning. The PNI system must encourage the creation of programs that reflect the views and attitudes of Canadians in every region.

Genre Protection

24. Specialty services were intended to offer distinct options to cater to audiences’ varied interests. However, the loose interpretation of the nature of services has blurred their original purpose. The impact of a generalist specialty market with no differentiation between the channels renders the concept of specialty services obsolete. Broadcasters are asking for more flexibility in order to create a more homogeneous specialty market; but will this serve Canadian audiences?

The Impact of the New Documentary Definition

25. DOC has been pointing out the misapplication of the documentary definition for many years and is pleased to see the Commission's initiatives in this regard. Despite what certain stakeholders argue, the refined definition does not add complexity to the system but simplifies it.

Policy Monitoring and Enforcement

26. The new policy was created to streamline regulation but the scope of the hearings has become so vast that monitoring compliance is that much harder. As more services are reviewed in one hearing, increased scrutiny is required. One area that requires additional enforcement is the application of program categories.

27. Broadcasters have consistently and willfully misapplied the documentary category in the past. Indeed, the PNI expenditures reveal that broadcasters have actively spent money on reality programming and called it documentary. Although we believe that the new documentary and reality tv program categories may reduce category creep, the Commission should take more frequent actions against this practice.

28. We recognize that the line between intervention and cultural preservation is a difficult one to draw and a fine line to walk. However, DOC would be supportive of any measures that the Commission creates that would increase its ability to enforce the objectives of the new television policy. DOC supports the Commission's request to have the power to fine licencees using Administrative Monetary Penalties (AMPs). However, AMPs can only be successful inasmuch as they work in tandem with transparent reporting mechanisms that allow for the Commission, and the public, to evaluate the performance of licencees.

In-Camera discussions

29. We echo the WGC's proposal for in-camera meetings between the Commission and the creative groups. This forum would provide members of the creative community a place to disclose financial information, discuss industry trends and practices in a safe and confidential environment.

Conclusion

30. The principles of the Broadcasting Act are as valid today as when the act was first established in 1968. Broadcasting in Canada is not solely about the bottom line, but also sets out to attain cultural objectives. In this regard, documentaries, as defined at the outset, are perfectly situated as a genre to play a critical role in realizing these objectives. In the end, the decline of documentary production and its gradual disappearance from the Canadian broadcasting system disrupts the programming ecology and undermines the principle of diversity guaranteed by the Broadcasting Act.

31. The broadcasters have been given sufficient flexibility by this policy; Canadian audiences and the documentary community turn to the Commission to ensure the policy be implemented to everyone's benefit.

32. We welcome any questions on our submission and today's presentation. Thank you.