DOCUMENTARY ORGANIZATION OF CANADA
DOCUMENTARISTES DU CANADA

Submitted Electronically

February 24, 2025

Mr. Marc Morin
Secretary General and Executive Vice-President,
Corporate Services and Operations
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Mr. Morin:

Re: Intervention of the Documentary Organization of Canada - Broadcasting Notice of Consultation CRTC 2025-2: The Path Forward – Working towards a sustainable Canadian broadcasting system

Executive Summary

Documentary production is a cornerstone of a sustainable Canadian broadcasting system. As both a gateway for emerging and underrepresented creators, as well as a vital tool for reconciliation, documentary filmmaking strengthens the Canadian film industry by nurturing talent, breaking down systemic barriers, reinforcing Canada's legacy as a global leader in the genre and providing a vital means of democratic exchange.

Documentaries have been recognized by the Commission as a nationally important genre for many years, a position that is consistent with key public policy objectives of the *Broadcasting Act*. DOC maintains that in a modernized broadcasting regulatory framework, it is essential that long-form documentaries receive the necessary measures to ensure they are able to be created, accessed and discovered by audiences. These types of regulatory tools are essential to Canadians' ability to see ourselves on screen within the global streaming landscape that promises endless viewing options.

A competitive and sustainable broadcasting system must support a diversity of broadcasting platforms, including independent and small broadcasters. Ensuring a diversity of voices and perspectives in the broadcasting system includes ensuring the ongoing presence of independent broadcasters in Canada. Maintaining carriage requirements is essential to ensuring that important Canadian documentary programming remains available to a diverse range of audiences, fostering public education and cultural engagement.

During DOC's cross-country community consultations, many attributed historic and current challenges around discoverability to insufficient funding for marketing and promotion of projects by broadcasters and streamers. Discoverability mechanisms that apply to both online and broadcasting distribution undertakings would enhance program visibility across all platforms, ensuring they reach the audiences they are meant to serve. DOC recommends a Canadian Programming Expenditure (CPE) add-on that specifically directs additional

spending toward the promotion and visibility of Canadian content, and the establishment of a "Discoverability Fund" to support targeted marketing, outreach, and audience engagement efforts for Canadian documentaries.

A. Introduction

1. This is the submission of the Documentary Organization of Canada (DOC) in relation to Broadcasting Notice of Consultation CRTC 2025-2 (BNC 2025-2 or the Notice). DOC is pleased to have the opportunity to participate in this consultation aimed at working towards creating a sustainable Canadian broadcasting system. DOC is the collective voice of Canada's independent documentary creators. Founded in 1983, DOC has grown to 1,400 members across six chapters from coast to coast. DOC's mandate is to advocate for an equitable, sustainable environment for documentary production and to strengthen the sector within the broader cultural industry.

2. The Canadian Radio-television and Telecommunications Commission's (CRTC or Commission) has outlined the following two goals to guide this proceeding: i) creating a sustainable model for the delivery and discoverability of diverse Canadian and Indigenous content; and ii) creating a fair and competitive marketplace.[1] The Commission has also stated in the Notice that this proceeding is intended "to set the policy framework for the consultations that will help guide the final individual contributions and requirements for traditional and online services in Canada.[2]"

3. Documentary production is a cornerstone of a sustainable Canadian broadcasting system, providing a platform for underrepresented stories, fostering artistic innovation, and ensuring that Canada's diverse histories and perspectives are preserved and shared. As both a gateway for emerging and underrepresented creators, as well as a vital tool for reconciliation, documentary filmmaking strengthens the Canadian film industry by nurturing talent, breaking down systemic barriers, and reinforcing Canada's legacy as a global leader in the genre. Accordingly, DOC's comments on this proceeding relate to:

    i) The importance of supporting documentary film production;
    ii) Need for expenditure obligations to support programs of national and cultural significance;
    iii) Delivery of a broad range of programming services in a competitive marketplace
    iv) Importance of ensuring discoverability of culturally valuable programming across platforms;
    v) Implementing robust data collection mechanisms to support documentary content; and
    vi) BDU contributions are essential to the Canadian broadcasting system.

4. **DOC respectfully requests to appear at the public hearing scheduled to begin on 12 May 2025, in Gatineau, to further discuss these issues**.

[1] BNC 2025-2, para 8.
[2] CRTC 2025-2 at Summary.

B. The Importance of Supporting Documentary Film Production

5. Documentary film production is a vital pillar of the Canadian broadcasting system, providing a platform for storytelling that reflects the country's diverse histories, cultures, and perspectives while fostering public awareness and engagement. Achieving a diverse and sustainable broadcasting system requires supporting a broad range of programming, including high-risk independently produced genres such as category 2(b) long-form documentaries, which are often resource-intensive to produce, yet essential for preserving Canada's cultural identity and amplifying underrepresented voices.

6. Category 2(b) long-form documentaries are a critical cultural medium that help shape and preserve Canadian identity by capturing and reflecting the nation's diverse cultural, social, and political narratives. Supporting the creation and distribution of category 2(b) long-form documentary is consistent with key public policy objectives of the *Broadcasting Act* (The *Broadcasting Act* or the Act). In particular, Section 3(1)(d) of the Act states that the Canadian broadcasting system should:

> "(i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,
>
> (ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view, and foster an environment that encourages the development and export of Canadian programs globally."[3]

7. It is also consistent with Section 3(1)(i)(v) of the *Broadcasting Act* which states that the programming provided by the Canadian broadcasting system should include a significant contribution from the Canadian independent production sector.

8. Documentary production is not only aligned with these key policy objectives of the Act, but it is essential to creating a sustainable Canadian broadcasting system, by ensuring that unique experiences, histories, and perspectives, that are often overlooked or misrepresented in mainstream media, are shared with audiences. Canada has a rich tradition of producing groundbreaking documentaries that have both defined and redefined the genre, earning international recognition while shaping cultural and political discourse at home. As a more accessible entry point into the industry, documentary filmmaking provides a critical pathway for independent creators, particularly those from historically underrepresented communities, including Indigenous, Black, and racialized filmmakers, as well as those from lower socio-economic backgrounds. A strong, independent documentary sector allows Canadian and Indigenous filmmakers to develop their craft, build sustainable careers, and contribute

[3] Broadcasting Act, section 3(1)(d)(i)(ii).

meaningfully to Canada's broadcasting system as a whole. Moreover, documentary storytelling plays a vital role in reconciliation, offering a powerful medium to confront and understand Canada's history with Indigenous peoples while amplifying Indigenous voices and perspectives.

9. DOC's previous submissions to the Commission as part of BNC 2024-288 and 2023-138 are attached as **Appendix A** and **Appendix** B. In these submissions, DOC points to numerous examples of the importance of documentary production to Canadians, to the broadcasting sector, and to the world's understanding and appreciation of Canadian perspectives. These submissions also include a recent Nordicity study commissioned by DOC. They also include details about a national consultation that DOC has conducted on the importance of documentary productions and issues faced by the sector.

C. Need for Expenditure Obligations to support Programs of National and Cultural Significance

10. As part of the Notice, the Commission has asked whether measures or incentives are needed to ensure public access to programs of national and cultural significance, including designated sporting competitions such as the Olympic Games.[4] DOC maintains that documentary programs are of the utmost national and cultural importance, as they are a key vehicle to share and reflect on Canadian values, culture, communities, history, creativity, and society. It is critical that programs of national interest such as long-form documentaries are supported by broadcaster and streamer expenditure obligations to ensure production, accessibility and discoverability of this important genre of Canadian and Indigenous programming.

11. Documentaries have been recognized by the Commission as a nationally important genre for Canadian and Indigenous content within our broadcasting system for many years. In Public Notice CRTC 1999-97 the Commission acknowledged documentaries as culturally valuable, stating, "Canada has a rich and successful tradition of documentary production for which there is an increasing demand. This type of programming is popular around the world, and highly exportable. In addition, Canadian producers have a world-class reputation in this field. The inclusion of long-form documentaries as priority programs will ensure the continuation of this success.[5]

12. In 2010, the Commission introduced a more formal definition for long-form documentaries as part of its regulatory framework, that distinguished documentaries from reality television and reinforced their cultural importance.[6] In 2015, as part of Let's Talk TV, the Commission upheld the importance of documentary programming by continuing to include it in its definition of programs of national interest (PNI), labelling this type of programming as "generally expensive to produce and carrying a greater risk of unprofitability" as well as programming that "in the absence of regulatory support would not otherwise be available to Canadians."[7] In addition to the Commission historically recognizing documentaries as a

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[4] CRTC 2025-2, Question 13.
[5] CRTC 1999-97 at para 34.
[6] Broadcasting Regulatory Policy CRTC 2010-808 at para 7; The Commission stated, "though this type of programming ["docusoaps" and "docudramas"] may be factual, it lacks or has very minimal amounts of in-depth critical analysis of a specific subject or point of view that is the key defining element of category 2(b) Long-form documentary programming."
[7] Broadcasting Regulatory Policy CRTC 2015-86 at para 276.

nationally important genre that requires regulatory support, Canadians have also consistently expressed interest in the availability of documentary programming. In the CRTC's 2018 Harnessing Change: The Future of Programming Distribution in Canada Report, documentary programming was considered to be important programming for three in five (61%) of Canadians.[8]

13. DOC maintains that in a modernized broadcasting regulatory framework, it is essential that programming that has a long history of being designated as culturally valuable, such as long-form documentaries, receive the necessary measures to ensure they are able to be created, accessed and discovered by Canadian and Indigenous audiences. In particular, as outlined in DOC's submissions to BNC 2024-288 and 2023-138, which are attached as **Appendix A** and **Appendix B** to this submission, online and traditional audio-visual undertakings should have obligations to make expenditures to support Canadian programming, including long-form documentary productions. These types of regulatory tools are essential to Canadians' ability to see ourselves on screen within the global streaming landscape that promises endless viewing options.

D. Delivery of a Broad Range of Programming Services in a Competitive Marketplace

14. The Commission has asked several questions about the effectiveness of existing regulatory tools in light of evolving market dynamics.[9] Given these evolving market dynamics, existing carriage requirements for independent broadcasting services must be maintained and strengthened within a modernized broadcasting framework. It is DOC's view that a competitive and sustainable broadcasting system must support a diversity of broadcasting platforms, including independent and small broadcasters. We note that Section 3(1)(t) of the *Broadcasting Act* requires distribution undertakings to give priority to the carriage of Canadian programming services. Section 3(1)(iii.5) of the Act states that Canadian broadcasting should "ensure that Canadian independent broadcasting undertakings continue to be able to play a vital role within that system."[10]

15. While large players are important, ensuring a diversity of voices and perspectives in the broadcasting system includes ensuring the ongoing presence of independent broadcasters in Canada. Canadian independent broadcasters produce and exhibit thousands of hours of Canadian programming each year, including original long-form documentaries.[11] This programming not only amplifies underrepresented voices and reflects the diversity of Canadian society, but it also fulfills the Act's public policy objectives by supporting the creation of Indigenous content and content by and for equity-deserving groups, OLMCs, and Canadians from diverse backgrounds. Additionally, it ensures that individuals from these communities have meaningful opportunities to not only produce content but also operate broadcasting services, fostering greater representation and ownership within the industry.[12]

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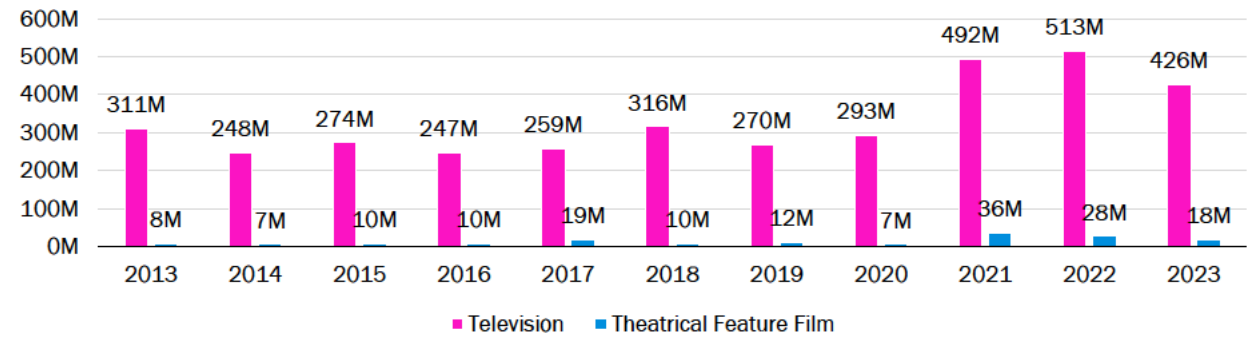
[8] https://crtc.gc.ca/eng/publications/s15/eval.htm#r1.
[9] CRTC 2025-2 at paras 38-40.
[10] Broadcasting Act, Section 3(1)(i)(v).
[11] Broadcasting Notice of Consultation CRTC 2024-288, Submission from the Independent Broadcast Group.
[12] Broadcasting Act, Sections 3(1)(d)(iii.1), 3(1)(d)(iii.11), 3(1)(d)(iii.6) and 3(1)(d)(iii.3).

16. Public broadcasters such as TVO, Knowledge Network and Télé-Québec are also particularly important for ensuring a strong, diverse and sustainable broadcasting sector as they broadcast high-quality educational content and serve as key platforms for commissioning and showcasing original Canadian documentaries. Section 3(1)(j) of the Act also underlies the importance of supporting educational programming stating, "educational programming, particularly where provided through the facilities of an independent educational authority, is an integral part of the Canadian broadcasting system.[13]" These services are also distributed by BDUs as part of their basic packages in accordance with the BDU Regulations.

17. DOC commissioned Nordicity to research the levels of documentary production in Canada over the ten year period between 2013 and 2023, included in this intervention as part of **Appendix B**. According to Nordicity's research, despite an overall decrease in documentary production volume since 2013, broadcast has remained incredibly important for documentary production in Canada. Television projects represented an annual average of 96% of documentary productions during this ten-year period.

Figure 2 – Volume of Canadian documentary production by release medium



Source: Estimates based on data collected from CAVCO.

18. Existing priority carriage rules ensure that Canadian television programming services such as TVO and Knowledge Network reach a broad audience, making their high-quality educational and documentary programming prominent and widely accessible. These rules also guarantee that cable subscribers have access to the wide range of high-quality documentary programming these broadcasters provide, supporting public education and cultural enrichment, in alignment with the Act. Maintaining these carriage requirements also ensures a diverse and more sustainable broadcasting system for Canada. Over the past two decades, consolidation in the broadcasting sector has significantly reduced the opportunities available to independent producers. This challenge is particularly acute for documentary filmmakers who have limited avenues for funding and distribution. Toronto-based DOC member Robert Lang notes, "While I continue to produce highly successful documentaries for broadcast, the number of

[13] *Broadcasting Act*, section 3(1)(j).

commissions we get has seriously declined and certainly the advent of streaming services has not increased the possibilities as we anticipated."[14]

19. Without regulatory protections ensuring access and carriage for Canadian television broadcasters, including independent broadcasters, opportunities for Canadian independently produced documentary production will continue to decline. DOC also urges the Commission to develop Canadian program carriage rules for the online environment to ensure access, discoverability and prominence of high-quality original Canadian productions, including long-form documentaries in the rapidly changing online media environment. Strengthening carriage requirements for BDUs and streaming platforms is therefore essential to safeguarding a broadcasting system that continues to support independent documentary storytelling, in alignment with the *Broadcasting Act.*

E. Importance of ensuring discoverability of culturally valuable programming across platforms

20. The Commission has outlined in this Notice that this proceeding aims to consider, "how the definition of Canadian content and other related regulatory measures can facilitate the discoverability and exportability of Canadian content, both within Canada and internationally."[15] Discoverability is a twofold challenge that requires both ensuring content is made and making it accessible to audiences. First, securing funding and support for Canadian programs, including documentaries, is essential to their production. Second, once created, these programs must be effectively promoted and made visible where audiences are most likely to engage with them.

21. The Documentary Organization of Canada commenced a national consultation with documentary filmmakers in fall 2024 to inform its forthcoming What We Heard report. Some of these findings are attached as part of **Appendix B** to this submission. To date, four consultations have concluded and three have been input for analysis. DOC Executive Director Sarah Spring met with DOC members in its Manitoba, Northwest (British Columbia, Yukon and Northwest Territories), Alberta and Quebec chapters to gather their feedback on the state of documentary filmmaking in Canada, with the Atlantic region's session taking place this week. Preliminary findings from Manitoba, Alberta and NorthWest regions show that challenges around discoverability are largely driven by insufficient funding for marketing and promotion of projects by broadcasters and streamers.

22. Filmmakers also expressed frustration over traditional broadcasters and streamers retaining the rights or significant control of their projects but inadequately promoting it. Even for free-to-access streaming platforms, without active marketing and promotion, audience discoverability is not guaranteed. Filmmakers are exploring alternative distribution models where they would have more control and easier access to audience insights (platforms mentioned include YouTube). Filmmakers also suggested the introduction of or support for alternate funding models that prioritize grassroots models and community-based distribution, as well as grants for audience development. Overall, it is clear that lack of funding and resources for ensuring the discoverability of important culturally valuable programming,

[14] Appendix B.
[15] CRTC 2025-2 at para 27.

such as category 2(b) long-form documentary remains a large issue for the sector.

23. The Act sets out several discoverability provisions applicable to both BDUs and online undertakings. Section 3(1)(q) provides that online undertakings that act as distributors of other services should ensure the discoverability of Canadian programming services. Section 3(1)(t) continues to provide that distribution undertakings should give priority to Canadian programming services, including the carriage of local Canadian stations. Sections 9.1(1)(a)(d) and (e) of the Act also set out respectively, that the Commission may impose conditions on broadcasting undertakings respecting the proportion of programs and time devoted to broadcasting that Canadian programs, the proportion of programs broadcasted that are devoted to specific genres, in order to ensure the diversity of programming. The Commission may also impose conditions on broadcasting undertakings regarding the presentation of programs and programming services for selection by the public, including the showcasing and the discoverability of Canadian programs and programming services.

24. The Commission states in the Notice, the important role that the broadcasting system plays in ensuring that Canadians have access to culturally important content, "The broadcasting system must reflect Canada's rich and diverse cultural fabric and ensure that Canadians have access to the content of their choice, including content of national and cultural significance, regardless of how they access that content.[16]" Category 2(b) long-form documentary, which is content of national and cultural significance, often struggles with discoverability on platforms, as this work typically receives minimal promotion or marketing, making it difficult for audiences to find this content online.

25. Without dedicated discoverability mechanisms, critically important Canadian and Indigenous documentaries risk being overlooked. To uphold the goals of a sustainable broadcasting system, discoverability mechanisms must be implemented to enhance the visibility of these programs across all platforms, ensuring they reach the audiences they are meant to serve. These mechanisms should apply to both online and broadcasting distribution undertakings. The Act also sets out specific language at Section 3(1)(r) that requires online undertakings, in particular, to clearly promote and recommend Canadian programming, in both official languages as well as in Indigenous languages, and ensure that any means of control of the programming generates results allowing its discovery. Applying discoverability mechanisms to both online and broadcasting undertakings is therefore aligned with provisions of the Act, and necessary in a modernized regulatory framework supporting a sustainable broadcasting system.

26. To effectively address the challenges of discoverability for Canadian documentaries, DOC recommends two key mechanisms. First, the Commission should introduce a Canadian Programming Expenditure (CPE) add-on that specifically directs additional spending toward the promotion and visibility of Canadian content, ensuring that investments in content creation are matched by efforts to bring that content to audiences. This would help ensure that promotional efforts for Canadian programs, including documentaries, which currently receive limited marketing support, are adequately funded.

[16] CRTC 2025-2 at para 20.

27. Second, the Commission should establish a "Discoverability Fund" to support targeted marketing, outreach, and audience engagement efforts for Canadian documentaries. This fund should be an additional resource that does not reduce existing production funding but instead enhances the ability of independent documentary creators to reach audiences across platforms. A dedicated Discoverability Fund, would address the issues voiced by documentary producers in DOC's national consultation, finding that traditional broadcasters and streamers will often retain the rights or significant control of their projects but inadequately promote the project. This fund would finance promotional strategies that ensure Canadian and Indigenous documentary producers have the tools to ensure their work remains widely visible to audiences in an increasingly crowded media environment.

F. Implementing Robust Data Collection Mechanisms to Support Documentary Content

28. The Commission has outlined several questions related to data gathering and sharing in paragraph 60 of the Notice.[17] DOC's submission to BNC 2024-288 [Attached as Appendix B] outlined key recommendations to enhance data collection practices, ensuring that documentary production remains a vital part of Canada's broadcasting system.

29. In particular, DOC agreed with the Commission's preliminary view in CRTC 2024-288 that the revenues and the programming expenditures of Canadian and foreign broadcasting undertakings should be made public to provide transparency and ensure the Commission's ability to monitor the broadcasting system. DOC also stated that this data should include annual revenues, both in aggregate and broken down by individual undertakings, to provide insight into the financial scale and contributions of each broadcaster and streamer. It should also capture annual expenditures on public-interest, long-form documentaries, specifying support for original documentary productions and expenditures on other types of documentary content. This information is critical for understanding the financial commitment of these entities to culturally significant programming and for evaluating their compliance with regulatory obligations.

30. Additionally, DOC recommended that the CRTC should require detailed reporting on contributions to various production fuds under the framework established in BRP 2024-121-1. This includes the total amounts directed by streamers to each fund, as well as how they spent the up to 1.5% of contributions that they are not required to allocate to the CMF. Furthermore, the CRTC should collect data on support for content created by individuals from underrepresented groups, enabling an assessment of the effectiveness of current policies in promoting diversity and inclusion within the industry. Making this data public would enhance transparency, encourage compliance, and support informed decision-making to strengthen Canada's broadcasting sector.

31. A robust data collection framework should also prioritize monitoring equity, diversity, inclusion, and accessibility (EDIA) in funding distribution. It is critical to ensure that equity-deserving creators have access to financial support and production opportunities, reinforcing commitments to a more inclusive media landscape. Improved reporting will help identify gaps in funding and discoverability, ensuring that

[17] CRTC 2025-2 at paras 57-60.

Canadian content, particularly from underrepresented communities, is adequately supported and promoted.

G. BDU Contributions to Canadian Programming Are Essential to the Canadian Broadcasting System

32. DOC wishes to state for the record that BDU contributions, particularly their contributions to the Canada Media Fund (CMF), are critically important to the Canadian broadcasting and independent production sectors. These contributions have historically played a foundational role in sustaining a broad range of Canadian programming, including high-quality documentaries that reflect the country's diverse voices, histories, and perspectives. The CMF remains one of the most vital mechanisms for financing independent Canadian productions, ensuring that distinctive and culturally significant content continues to be developed and made available to audiences across the country and around the world.

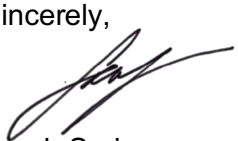
33. While BDU contributions to the CMF have declined over the past decade, they remain an essential pillar of Canada's broadcasting system. BDUs also have the resources to contribute to this important production fund.

34. BDU contributions of at least 5% to Canadian programming must, therefore, be maintained to ensure ongoing support for high-quality, original content. These significant financial contributions from BDUs are critical for Canadian creators to be able to produce impactful programming, especially in genres like documentary, which are both high-risk and culturally significant, will be further diminished. The Commission must recognize the continued importance of these contributions and ensure that mechanisms are in place to maintain and enhance funding for the Canadian independent production sector.

H. Conclusion

35. DOC thanks the Commission for the opportunity to speak on behalf of Canada's documentary community in this important proceeding centred around creating a more sustainable broadcasting system, as part of the broader process of modernizing Canada's broadcasting regulatory framework. Ensuring that valuable cultural content, such as category 2(b) long-form documentaries, is not only be produced, but also accessed widely by audiences, is essential to building a more sustainable broadcasting system. DOC looks forward to continuing to participate in this process, and also reserves the right to respond to issues raised by other parties in subsequent phases of this consultation.

Sincerely,



Sarah Spring
Executive Director, Documentary Organization of Canada

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