



July 26, 2023

Mr. Claude Doucet
Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario K1A 0N2

Filed electronically

Dear Mr. Doucet:

Re: Broadcasting Notice of Consultation 2023-138: *Call for comments – The Path Forward – Working towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content* – Reply Comments of Shaw Rocket Fund.

1. Shaw Rocket Fund (“Rocket Fund”) is pleased to provide this reply to interventions filed pursuant to ***Broadcasting Notice of Consultation 2023-138: Working towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content*** representing Step 1 of a three-step process to establish a modernized regulatory framework regarding contributions to support Canadian and Indigenous content.
2. Rocket Fund respects the breadth of these proceedings as demonstrated by the numerous and varied interventions that call for significant change throughout the broadcasting system and identify the great need for financial support or relief. Rocket Fund appreciates that it will be no small task to evaluate and measure the interests of the various parties and establish a framework that meets the vast requirements of the intervenors while prioritizing those that the Act ultimately serves, Canadians and Indigenous Peoples.
3. We submit that any new framework must include the interests of children and youth in Canada, beyond “children and youth” being categorized as a genre of programming, to sustain Canadian and Indigenous content for children and youth and to serve this important group of our society. This proceeding is an opportunity to establish children as a priority within the Canadian broadcasting system. As outlined in Rocket Fund’s intervention, we believe the broadcasting system as a whole has a responsibility to ensure that all children and youth in Canada have access to Canadian and Indigenous media that reflects their lives, their land and their culture, and that they can be seen on screen where they live today.
4. The policy objectives of the current *Broadcasting Act* establish that traditional and online undertakings shall contribute in an appropriate manner to the creation, production and distribution of Canadian and Indigenous content in Canada’s two official languages, as well as in Indigenous

languages and ensure that the Canadian broadcasting system **serves the needs and interests of all Canadians**, including Canadians from Black or other racialized communities and Canadians of diverse ethnocultural backgrounds, socio-economic statuses, abilities and disabilities, sexual orientations, gender identities and expressions, **and ages**.¹

5. Canadian and Indigenous children and youth are not a programming genre, they are a part of an audience. When we speak of children, we mean all children in Canada -- children who are Indigenous, Black, come from racialized communities and diverse ethnocultural backgrounds, socio-economic statuses, abilities and disabilities, sexual orientations, gender identities and expression. The broadcasting system has a responsibility to provide children and youth access to Canadian and Indigenous content that reflects their circumstances and aspirations, including equal rights, linguistic duality and the multicultural and multiracial nature of Canadian society, and the special place of Indigenous peoples and languages within that society.
6. Further to our role as a Certified Independent Production Fund (“CIPF”) and a beneficiary of BDU contributions that serves the independent children’s production community, Rocket Fund is an advocate for children and youth in the Canadian media sector, and for the Canadian children’s production community globally. As the Commission determines how best to support the broadcasting system through the various proposed contribution methods within a flexible system, **we submit the Commission can no longer define children’s and youth programming solely as a genre when establishing regulation**. Support for children’s and youth programs requires a meaningful and sustainable regulation understanding the importance for Canadian children and youth, who represent over 20 per cent of our population and the future of our country.²
7. The policy outcomes from these proceedings, whether through proposed base contributions to production funds, training, or support for not-for-profit organizations, **must include a meaningful and sustainable allocation towards the creation of Canadian and Indigenous content for Canadian children and youth**. We understand that defining “meaningful content for children” may not be possible in this proceeding considering the breadth of the current task and it may warrant a review on its own. However, it is imperative that establishing children and youth as priority within the broadcasting system be a result of this proceeding. In this first step of three, which focuses on applicability, potential initial base contributions, and potential recipients/funds, it is crucial that Canadian children themselves —not a genre—are identified as a beneficiary of the broadcast system to ensure sustainable support.
8. Ideally, any “general content” organization including production funds, not-for-profits, educational facilities, streamers, or broadcasters, should allocate a meaningful amount of their resources to the development and the production of Canadian and Indigenous children’s and youth programming (this includes creative development, industry development and small business support). The Commission has an opportunity to develop a methodology with appropriate measures and achievable annual targets for supporting diverse and rich Canadian and Indigenous content for children and youth which could be achieved by various organizations through a flexible model. By doing this, the Commission prioritizes programming for children within these proceedings, and will create a path forward to ensuring children and youth in Canada will always have access to content reflecting who they are as members of our communities.

¹ Broadcasting Notice of Consultation CRTC 2023-138, para. 7

² <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3910004101>

9. Rocket Fund does not support any specific views in the OpenMedia intervention, however, it is important to note that many of the OpenMedia members (a grassroots community of Canadian Internet users) believe that children’s content and the safety of children online requires regulation. Understanding that the majority of the comments are about the online safety of children, regulation for what children see and the content they have access to was clearly a concern throughout the 899 pages of public comments.³
10. Rocket Fund agrees that children’s online safety is of utmost importance. In 2017, Rocket Fund was invited to participate in the Children’s Global Media Summit in partnership with the BBC, resulting in a Rocket Fund-led international roundtable about cyberbullying and online safety for children. As a result, Rocket Fund joined forces with the kidSAFE Seal Program in 2018 to bring online safety certification to Canada through the Rocket Online Safety Program (ROSP), giving all eligible Canadian digital content the ability to be certified as being technologically safe for kids regardless of Rocket Fund investment.⁴ We have been offering free certification to Canadian companies through the ROSP for over the past five years and have supported 39 Canadian companies and contributed towards 110 kidSAFE Seal certifications as a direct result of this program. Rocket Fund recognizes that the Rocket Online Safety Program is only one way to help producers keep kids safe in the digital world they live in. Much more needs to be done. We submit it starts with establishing children and youth as a priority within the broadcasting system.
11. In its submission, MediaSmarts states that digital media literacy must be a priority and that the Commission should consider digital media literacy as an integral component to its broadcasting goals, especially those related to the inclusion of underrepresented groups in the Canadian broadcasting system.⁵ Rocket Fund agrees that digital media literacy for youth under the age of 18 is a critical part of online safety.
12. Evan Shapiro, producer and professor of media and entertainment at New York University, stated in his keynote on Generation Alpha at MIPTV’s Future of TV Kids Summit: “We created technology, didn’t regulate it, and handed it to them like a crack pipe. And that’s on us.”⁶ Through this regulatory proceeding, we have an opportunity to ensure Canadian children and youth have access to safe, meaningful and relevant Canadian and Indigenous content on the platforms they love.

Rocket Fund Reply Comments

13. The Commission states the new and modernized framework should ensure flexibility and adaptability in the future.⁷
14. An objective of this new contribution framework is to ensure “A new and modernized framework should recognize the new perspectives and opportunities that online undertakings bring to the broadcasting system, and ensure flexibility and adaptability in the future. For these reasons, the

³ OpenMedia Engagement Network Intervention (BNC 2023-138), Appendix D

⁴ The kidSAFE Seal Program is an independent, global safety certification service and seal-of-approval program led by industry experts and designed exclusively for child-friendly digital content and technologies. Certification signifies that the digital content meets online safety, privacy and/or security standards for children. The kidSAFE Seal badges have reached over 200 countries. Canadian kids’ platform Kidoodle.tv and producers Apartment 11 Productions, Big Bad Boo, Kujo’s Kid Zone, Shaftesbury, Sinking Ship Entertainment and Tobo Studio have benefited from ROSP. Many international players are members of the kidSAFE Seal Program such as Cartoon Network, Roblox and Discovery Kids Latin America.

⁵ MediaSmarts Intervention (BNC 2023-138), para. 21, 24

⁶ <https://www.c21media.net/department/thought-leadership/scratch-every-itth-evan-shapiro-on-reaching-gen-alpha/>

⁷ Broadcasting Notice of Consultation CRTC 2023-138, Page 1

Commission intends to apply an approach that recognizes that each broadcasting undertaking or group of undertakings is unique, and that focuses on desired performance standards and measures of success.”⁸

15. We submit that the same flexible approach is needed for production funds to best support the creation and success of Canadian and Indigenous audiovisual content today.

Q9. In the current system a variety of funds exist to support the creation and promotion of Canadian content. In what ways are the existing funds successful in their support of Canadian content generally, and in what ways could they be improved? Similarly, do the existing funds sufficiently support the objectives of the current *Broadcasting Act*, including those relating to OLMCs, diversity, inclusion and accessibility? How can they be improved? For example, should the Commission consider amending the CIPF criteria?

16. We thank the CMPA for stating the importance of children’s programming in shaping future generations when implementing this new framework.⁹ Producers of various size and scope expressed their concern for the support of Canadian and Indigenous children’s programming and demonstrate the value of Rocket Fund’s innovative and ongoing support through their interventions in this proceeding BNC 2023-138.¹⁰ Producer interventions acknowledge the importance of Rocket Fund support of digital first programming as broadcast commissions are difficult to obtain today. In 2018, digital first projects represented only 28.6 per cent of Rocket Fund investments and was up to 47.8 per cent in 2022.

17. The importance of Canadian and Indigenous content for children and youth, and the role Rocket Fund plays in supporting children is also demonstrated by ACTRA’s suggestion for foreign online services providing children’s programming to have a 50 per cent Canadian content requirement (compared to 10 per cent for scripted) as well the acknowledgment of Rocket Fund made by the DGC.¹¹ Existing CIPFs have evolved over the past 25 years to focus on a particular genre of programming and are considered “experts” in their respective area(s) as demonstrated by CIPF interventions.¹² We submit that existing CIPFs meet the Commission’s objective for CIPFs to contribute to the development of a robust Canadian production sector as we have been give the flexibility necessary to operate in an increasingly multi-platform environment.¹³ Existing CIPFs can easily adjust to address any gaps and meet any established requirements with the proposed base contributions. As acknowledged by many interveners including the WGC, ACTRA and the DGC, CIPFs have provided meaningful and essential support to Canadian and Indigenous content over the years.¹⁴

18. As described in Rocket Fund’s intervention, we maximize *Broadcasting Regulatory Policy CRTC 2016-343: Policy framework for Certified Independent Production Funds*,¹⁵ and operate under the most

⁸ Broadcasting Notice of Consultation CRTC 2023-138, Page 1

⁹ CMPA Intervention (BNC 2023-138), para.E11

¹⁰ 9 Story Media Group Intervention para. 2; Apartment 11 Intervention, para. 4; Headspinner Intervention, para. 4; Little Engine Intervention, para. 3; Lopii Productions Intervention, page 2; Shaftesbury Intervention, para.15; Sinking Ship Entertainment Intervention, para. 3; Turtlebox Productions Intervention, page 2; Wind Sun Sky Intervention, para. 3

¹¹ ACTRA Intervention (BNC 2023-138), para. 24; Directors Guild of Canada Intervention (BNC 2023-138), para 48, 79;

¹² Bell Fund Intervention (BNC 2023-138), para. 48; Rogers Group of Funds Intervention (BNC 2023-138), para. 9; TELUS Fund Intervention (BNC 2023-138), para. 8A

¹³ Broadcasting Regulatory Policy CRTC 2016-343

¹⁴ Directors Guild of Canada Intervention (BNC 2023-138), para 48, 79; ACTRA Intervention (BNC 2023-138), para. 14; Writer’s Guild of Canada Intervention (BNC 2023-138), para.

¹⁵ Broadcasting Regulatory Policy CRTC 2016-343

flexible model possible within the framework in support of the Canadian children’s production sector. Rocket Fund has a great responsibility supporting all types audiovisual and non-programming digital content for children and youth (ages 0-17) with our limited resources. We support live action, all types of animation including live animation, all genres of programming (factual, educational, variety & performing arts, drama, comedies) on any platform, as well as non-programming digital content. We support short form and long form series both digital first and broadcast first, theatrical and SVOD feature films, in both official languages, Indigenous languages and other multicultural languages. We support promotion and discoverability of Canadian and Indigenous children’s content at home and abroad.

19. In its role in supporting children’s content for all children in Canada, Rocket Fund supports programming in both official languages, Indigenous languages, and other multicultural languages and agree with the QEPC about the need for support of OLMC productions.¹⁶ In 2022, 45 per cent of projects supported by Rocket Fund were in the French/French English language and 10 per cent were in Indigenous languages and languages other than English. In the past 5 years, Rocket Fund has supported 49 OLMC productions consisting of 35 English OLMC productions in Quebec and 14 French OLMC productions outside Quebec.¹⁷
20. We appreciate Telefilm Canada’s support of CIPFs as well as their request for more support of feature films.¹⁸ Rocket Fund has played an integral role in supporting Canadian and Indigenous feature films for children and youth and has supported 21 features since 2017 - 9 animated and 12 live action. Rocket Fund has invested in many important features including Indigenous films such as *Indian Horse*, *The Grizzlies*, *Wildhood* and *Bones of Crows* with investment in the productions as well as meaningful promotion and discoverability funds. Rocket Fund supported the remote community tours for *Indian Horse*, *The Grizzlies* and *Bones of Crows* helping to provide Indigenous audiences access to these very important films. Rocket Fund also supported the TIFF premieres of *Brother*, *Bones of Crows*, *Grizzlies*, *Wildhood* and *The Young Arsonists*.¹⁹
21. Rocket Fund has a holistic investment approach by way of limited application streams and working with content creators to best serve this audience group as described by producers in paragraph 16 above. This allows Rocket Fund and our independent Board of Directors to pivot to meet targets while keeping the interests of content creators and the audience a priority with a focus on excellence and growth, rather than meeting a specific threshold. Rocket Fund submits that our social enterprise independent production fund model is a sound example of a successful flexible funding model with measurable outcomes that supports the children’s production community and meets the objectives of the Act.
22. Existing CIPFs have established many successful partnerships with other production funds and organizations to further meet the objectives of the Act.²⁰ Partnerships include funding program collaboration, development, audience data collection and research. We are well positioned to partner with various organizations to act quickly for the benefit of the production community that need support today, and to also meet the objectives of the new policy framework and the Act.

¹⁶ QEPC Intervention (BNC 2023-138), para. 33

¹⁷ Rocket Fund Annual Reports 2018-2022

¹⁸ Telefilm Intervention (BNC 2023-138), para.77, 82

¹⁹ Rocket Fund Annual Reports 2018-2022

²⁰ CIPF interventions discussed various partnerships including CMF-Shaw Rocket Fund Kids Digital Animated Series Program (CMF, Rocket Fund), Rogers-Black Screen Office Development Fund (Rogers Group of Funds, BSO), Being Seen: Children’s Media Report (Rocket Fund), BSO: Being Seen Report (Bell Fund), ScreenMiner (Bell Fund, Rocket Fund, TELUS Fund) in addition to project funding partnerships.

Q11. Should base contributions flow only to existing funds or could they be directed to newly created independent funds? Should online entities be permitted to create their own independent production funds, to which their contributions would flow? If yes, what criteria should they be required to meet? For any proposal, please describe the initiative, including the level of funding that would be required to support it.

23. Rocket Fund agrees that proposed base contributions from online undertakings that may result from these proceedings, should flow to existing CIPFs including the ISO and the CISF.²¹ The existing CIPFs are established, have proven track records and are well positioned to act quickly to *provide a sustainable financing option for original Canadian and Indigenous content and support other public policy objectives*, including those objectives set out in this notice.²²

24. Rocket Fund supports the ISO and its request to be a recipient of regulated contributions for Indigenous creators and storytellers be administered by Indigenous funding organizations, including the Indigenous Screen Office.²³ Rocket Fund also supports the CISF's request for an allocation of the proposed base contribution to support individual BIPOC creators as well as BPOC-led production companies.²⁴

Q12. How can production funds better support Canada's diversity, inclusion and accessibility, as they relate to representation in programming, creators, or a combination of both? Should contributions or a portion of the contributions be directed towards the funds specifically dedicated to supporting diversity, inclusion and accessibility in the broadcasting system? If yes, which organizations and funds? Should new funds be created? In addition, please comment on the selection process, eligibility criteria, and reporting requirements that would be necessary to support this objective.

25. Rocket Fund supports the ISO and the CISF as set out in paragraph 24 above.

26. Rocket Fund recognizes the absolute importance of authentic representation in the content is supports for children and youth, and as expressed by interveners.²⁵ In addition to supporting programs by BIPOC creators, over the past five years Rocket Fund has also invested in seven 2SLGBTQ+IA children's programs including the preschool series *The Fabulous Show with Fay and Fluffy* which won the Shaw Rocket Fund Kids' Choice Award under the 2023 Canada Screen Awards as well as seventeen children's and youth programs that include persons with disabilities.²⁶ Rocket Fund acknowledges the need for more continued support for equity seeking communities and the support of diverse and inclusive programs for all Canadian children and youth.

27. Rocket Fund in its role in supporting children's and youth programming agrees that meaningful reporting is required to better support Canada's diversity, inclusion, and accessibility. Rocket Fund has been internally tracking diversity, inclusion and accessibility data to the best of its ability since

²¹ Bell Fund Intervention (BNC 2023-138), para. 17; TELUS Fund Intervention (BNC 2023-138), para. 8 A; Rogers Group of Funds (BNC 2023-138), para. 23

²² Broadcasting Notice of Consultation CRTC 2023-138, para. 19

²³ Indigenous Screen Office Intervention (BNC 2023-138), para. 46, 47, 57

²⁴ Canadian Independent Screen Fund for BPOC Creators Intervention (BNC 2023-138), para. 4

²⁵ Indigenous Screen Office Intervention (BNC 2023-138); Canadian Independent Screen Fund for BPOC Creators Intervention (BNC 2023-138); Black Screen Office Intervention (BNC 2023-138); AMI Intervention (BNC 2023-138); Disability Screen Office Intervention (BNC 2023-138); QEPC Intervention (BNC 2023-138)

²⁶ Rocket Fund Annual Reports 2018-2022

2016. Rocket Fund participated in the equity, diversity and inclusion consultations organized by the CMF, with other organizations and funds, to discuss PERSONA-ID, self-identification and data collection with a goal of finding a way to have an industrywide reliable and bona fide solution. After consultation with the CMF and the Bell Fund, Rocket Fund began to collect self-identification manually in September 2022. Starting in September 2023, Rocket Fund will roll-out a new online system through its application portal that will allow individuals to create an account and fill out the self identification questionnaire safely and securely, resulting in a unique code within the Rocket Fund portal. While we incorporate standardized industry definitions and language through our collaboration with the CMF and other funders, Rocket Fund acknowledges the process is cumbersome for content creators and will not result in the desired industrywide baselines as each fund requires unique questionnaires due to privacy issues.

28. Rocket Fund agrees with the Racial Equity Media Collective’s recommendation for a national data system that collects data and reports on equity in Canada’s screen sector.²⁷ We urge the Commission to take a leadership role and establish a national data system as part of these proceedings.

Q15. Should the Commission require that a certain percentage or proportion of an undertaking’s or ownership group’s base contribution be directed to a particular fund or type of fund?

29. Rocket Fund agrees that all existing CIPFs should benefit from long-term stable funding recognizing that all CIPFs are committed to diverse programming by Canadian and Indigenous content creators from all communities.²⁸ Rocket Fund supports allocations of the base contribution to the ISO and the CISF as set out in paragraph 24 above.

30. Rocket Fund opposes any form of envelope system as we submit such system contradicts a flexible contribution model as set out as an objective of the Act and these proceedings.²⁹ A focus on excellence in the marketplace, with measurable outcomes within a flexible environment will achieve the objectives of the Act rather than having to adhere to set percentages.

31. With respect to Rocket Fund and children’s and youth content, flexibility is required considering the varied support required to produce Canadian and Indigenous content for this audience group of children ages 0-17 with Rocket Fund’s limited resources, as demonstrated in paragraph 18 above. Set percentages do not drive innovation nor promote excellence. Flexibility allows Rocket Fund to pivot to meet important targets including equity, diversity and inclusion, keeping the interests of the content creators and audience a priority rather than focussing on meeting specific thresholds.

32. Rocket Fund agrees that organizations with regulated contributions should have the flexibility to increase their contributions to CIPFs rather than having to contribute a fixed percentage to the Canada Media Fund.³⁰ We strongly believe that contributors should have the choice to support Canadian and Indigenous children’s and youth content with their regulated contributions in partnership with the Rocket Fund. If the Commission establishes targets for children’s Canadian and Indigenous content within this proceeding, Rocket Fund is well placed to partner with a variety of organizations to meet any such targets for the benefit of Canadian children and youth.

²⁷ Racial Equity Media Collective Intervention (BNC 2023-138), para. 23 which also states: The rationale for developing a national data system include that data collection will develop a baseline for measuring progress, help spur action, streamline industry processes, centralize leadership, and support development of other equity initiatives.

²⁸ Rogers Group of Funds (BNC 2023-138), para. 40

²⁹ Broadcasting Notice of Consultation CRTC 2023-138, Page 1

³⁰ TELUS Fund Intervention (BNC 2023-138), para. 8 A; Rogers Group of Funds (BNC 2023-138), para. 24;

Conclusion

33. Agnes Augustin, President & CEO and Christine Sipton, Chair, Shaw Rocket Fund, ask to present at the hearing beginning November 20, 2023, as a Certified Independent Production Fund and on behalf of the interests of the Canadian children's production sector. We look forward to the opportunity to discuss the relevance of Canada's young people in the Canadian broadcasting system and the production community that serves them.

Sincerely,



Christine Sipton
Chair



Agnes Augustin
President & CEO

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