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The Public Interest Well Defended The CBSC Fulfils Its Responsibilities Very Well

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The author is National Chair of the Canadian Broadcast Standards Council (CBSC). He replies to the commentary of Frédérick Bastien, entitled [translation] "The CRTC Scuttles Itself", published on September 2 in *La Presse*.

In his recent piece in *La Presse*, Frédérick Bastien argues that the CRTC scuttles itself by, imagine that, referring the *Bye Bye* matter to the Canadian Broadcast Standards Council (CBSC). And what is this upstart group? A body established by the Canadian Association of Broadcasters (CAB), and described by Bastien as though he needed to wear protective gloves to write the words.

But wait. Bastien explains. "When the CRTC receives a complainant about the programming of a private broadcaster member of the CBSC, it *now* remits it to that organization, which deals with the complaint."

Now? As in "this is a new process"? Not at all. Apparently, M. Bastien is unaware of the fact that the CBSC has been enforcing broadcast standards since April 26, 1991 (all its 453 decisions are on the CBSC website). Since the CRTC CHOI-FM decision in 2004, there have been 127 CBSC decisions (compared to 19 CRTC content decisions).

It's not that the CRTC isn't doing its job. Or can't. It's rather that the CBSC fulfils its responsibilities very well. Take Howard Stern, for example. When he arrived on the air in Montreal in September 1997, he spat out stupid, insulting comments about French-Canadians and plenty of other identifiable groups. Who dealt with that issue? Laura Schlessinger's comments? Doc Mailloux? Louis Champagne? And now *Call TV*? In every one of those cases, the CBSC, not the CRTC.

The point is that it is not the responsibility of the CBSC to *defend* the interests of the private broadcasters. Its obligation is to *apply* the codified standards, whether for or against them. More than 70% of the 243 Panel decisions since 2000 have favoured complainants. No fair-minded person would conclude that that could fairly be defined as *defending* broadcasters' interests. If anything, the CBSC defends the *public's* interests.

M. Bastien states that, to do its work, the CBSC applies "the codes of ethics created by this organization [the CAB]," implying that those codes are tainted by that association. Not so. M. Bastien fails to advise your readers that the CRTC was directly involved with, and approved, the current text of every one of the seven codes that the CBSC administers, and that five of these are conditions of licence for the relevant Canadian broadcasters, public as well as private.

M. Bastien's assertion that the very idea that Radio-Canada could be subject to decisions rendered by an organization established by its competitors is indecent is itself absurd. Apart from anything else, it assumes that the private broadcasters are a monolithic group, which they are not, and that this monolith "has it in" for the public

broadcaster, which it does not. The competition is every bit as great among the private broadcasters themselves.

I recommend that M. Bastien and any other doubters of the fairness and objectivity of the CBSC avoid such academic pit-falls. Apply the ultimate test. Read our decisions.