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Chair: The Honourable Hedy Fry



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• (1535)

[*Translation*]

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): Good afternoon, everyone.

I call this meeting to order.

I would like to acknowledge that this meeting is taking place on the unceded traditional territory of the Algonquin Anishinabe people.

Welcome to meeting no. 35 of the House of Commons Standing Committee on Canadian Heritage.

[*English*]

Again, I want to remind everybody that, pursuant to the order of reference of Thursday, May 12, 2022, and to government motion number 16, adopted by the House of Commons on Monday, June 13, 2022, the committee is resuming clause-by-clause consideration of Bill C-11, an act to amend the Broadcasting Act and to make related and consequential amendments to other acts.

As you all know, today's meeting is—

Mr. John Nater (Perth—Wellington, CPC): I have a point of order, Madam Chair. I'm just seeking clarification. It sounded like you opened a new meeting when you started this, but I remember your suspending the meeting earlier today. I'm just seeking clarity if this is a new meeting.

The Chair: Thanks, John. I was informed by the clerk that we are starting a new meeting, so I then adjourned that meeting with the clerk and he has that listed at the time I adjourned it. I did not realize. I thought we were continuing. I gather that this is a new meeting. The next one is going to be a new meeting as well. Thank you.

Again, the meeting is taking place in a hybrid format, as you all know. For those attending virtually, please ensure that you mute your microphone when you are not speaking and open it when you intend to speak.

As per the directive of the Board of Internal Economy, again, everyone who is in the room is required to wear a mask. Again, please wait until I recognize you by name before speaking. Once again, please use your icon—you all know that now—for interpretation.

Finally, for those on Zoom.... Mr. Uppal knows that so I won't repeat it for him.

We are now moving into C-11, an act to amend the Broadcasting Act and to make related and consequential amendments to other acts, clause by clause.

(On clause 2)

The Chair: The last time we left I think we were entertaining a subamendment from Mr. Champoux. Does everyone have that subamendment?

Yes, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux (Drummond, BQ): Madam Chair, I took advantage of the lunch hour to go over my things, and I'd like to get unanimous consent from the committee to—

[*English*]

The Chair: Yes, I know you did. I just want to make sure everyone has it, Mr. Champoux, before you start speaking to it.

Is there anyone who does not have Mr. Champoux's subamendment? Okay.

Monsieur Champoux, go ahead.

[*Translation*]

Mr. Martin Champoux: Thank you, Madam Chair. I'm sorry to rush you. I just wanted to save everyone some work by asking for unanimous consent to withdraw the subamendment I moved at the last meeting.

[*English*]

The Chair: Thank you.

I will ask if there's unanimous consent for Mr. Champoux to withdraw his amendment.

(Subamendment withdrawn)

The Chair: As I had said prior to, we are looking at amendment CPC-1.01. As I reminded everyone, if it is adopted then CPC-1.02, CPC-1.04, immediately following CPC-1.01 in the package, become moot, as the question would have already been decided.

Are we prepared? Have we discussed CPC-1.01 sufficiently? Is there anyone who wishes to discuss this amendment? Speak now or forever hold your peace.

No one is speaking, so I think we'll call the vote.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

• (1540)

The Chair: I think, then, that means we need to go to CPC-1.02.

Go ahead, Mr. Nater.

Mr. John Nater: Thank you, Madam Chair.

I have a sneaking suspicion that CPC-1.02, CPC-1.03 and CPC-1.04 may have a similar fate. Obviously, my commentary on this is going to reflect what I said earlier for CPC-1.01.

I'll re-emphasize that this is a matter that would ensure that the large foreign streamers are caught within this bill and small entities are not. Simply leaving it to the CRTC may have been sufficient if we had seen a policy directive but, in this case, I feel like we need to have guardrails and parameters in place.

This amendment states, "This Act does not apply to an online undertaking whose revenues in Canada from paid subscriptions and embedded advertising do not exceed \$100,000,000".

Again, we have the challenge from before that there's not a qualification of what it would mean annually. The intention of the amendment when we made it was that it would be an annual revenue threshold. I leave it to the committee to make its judgment.

The Chair: Thank you.

Is there any discussion on this, committee?

Go ahead, Ms. Thomas.

Mrs. Rachael Thomas (Lethbridge, CPC): Thank you.

I would offer a friendly amendment that the word "annually" be added after the monetary amount.

The Chair: I think Mr. Nater mentioned that was taken for granted in all of the subsequent amendments on this subject, so "annually" is already there.

Thank you, Ms. Thomas, for ensuring that it is so.

Is there any further debate? If there's no further discussion, I would ask the clerk to call the vote on the amendment, please.

Go ahead, Ms. Thomas.

Mrs. Rachael Thomas: Madam Chair, as a matter of procedure, in order for the amendment to reflect the intention of the mover, an amendment is needed. I would ask that you accept my amendment to add the word "annually" to the end.

The Chair: Ms. Thomas, I think when Mr. Nater read the motion, he added "annually" to it. However, if you would like us to vote on your amendment, we will.

Ms. Thomas has an amendment that adds "annually" to the end of CPC-1.02.

Please can we call the vote on the amendment?

Yes, Ms. Thomas.

Mrs. Rachael Thomas: Thank you.

Madam Chair, I think it's important for us to note that when he was at committee, Mr. Menzies brought up the need for a financial threshold. One of the reasons why his words should be considered

quite heavily is that he actually is a former CRTC commissioner. During his testimony when he was before this committee he encouraged us to consider putting in place boundaries around who would be captured by this bill and who would not, and he suggested that this could be done by establishing a financial threshold.

I'll quote him directly. He said:

A lot of risk to investment and innovation can be mitigated and a lot of uncertainty can be avoided if you were to just make it clear in the legislation that it applies only to streaming companies with annual Canadian revenues of \$150 million or more. The CRTC could then debate with them whether they are reinvesting in Canada and its cultural and industrial goals in an appropriate fashion. In other words, if the government's goal is to, as was initially described, "get money from web giants", then go get the money from web giants and make it clear that everything else will be left alone to continue the innovation and investment that have defined Canada's creative sector in the past decade.

Madam Chair, to the rest of the members of this committee, through you, I would contend that it is due diligence for this committee to consider a financial threshold in terms of who is in and who is out, who is captured and who is not, so I would ask us to give consideration to my colleague's amendment, which has been granted here today, and that we support our digital-first creators by ensuring that they will not be captured and, in fact, that this legislation will only go after large streaming companies.

• (1545)

The Chair: Thank you very much, Mrs. Thomas.

Is there anyone who wishes to speak? If not, I will call the question on Mrs. Thomas's subamendment with regard to the word "annually".

Yes, go ahead, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Madam Chair, we unanimously consented to this change earlier, as we had previously on another proposal.

[*English*]

The Chair: I am sorry, on the actual amendment CPC-1.02, which is what we're dealing with right now, I know that Mr. Nater read "annually" into it and that we were going to vote on it. Mrs. Thomas was very clear that she wanted it to be a subamendment and not taken into the main motion as Mr. Nater had read it.

Now, as far as I'm concerned with Mr. Nater reading it in, we did not have the desire to have a subamendment or there was no need for a subamendment, but now we have a subamendment on the floor, and we need to vote on it. I'm sorry.

Mr. Chris Bittle (St. Catharines, Lib.): Madam Chair, I think we can just pass it on consent. I don't think there's any objection in the room around the table.

The Chair: Does the room want to pass the subamendment on consent?

(Subamendment agreed to)

The Chair: We will go to the vote on the amended motion.

Before we vote, I would just like to remind everyone that, if this amendment is adopted, then Conservative amendments CPC-1.03 and CPC-1.04 become moot.

(Amendment as amended negated: nays 7; yeas 4)

The Chair: We will now go to CPC-1.03.

Mr. Nater.

Mr. John Nater: Thank you, Madam Chair.

We were just having a quiet discussion in the room about whether or not this will say “annually”.

Mr. Housefather is nodding vigorously about amending it to include “annually”, but—

An hon. member: Agreed.

The Chair: Shall I suspend while you have that discussion?

Mr. John Nater: No, we're good, Madam Chair. We're good.

I don't think I need to explain this amendment beyond what's already been explained. It's identical to the previous amendment but puts the threshold at \$50 million. I suspect that my friends across the way are just waiting for that right price point before they support it.

Mrs. Rachael Thomas: Fifty million dollars is very reasonable.

Mr. John Nater: This is the same amendment but with \$50 million in terms of annual revenue.

I move amendment CPC-1.03. Thank you, Madam Chair.

The Chair: [*Technical difficulty—Editor*] just for the record, please.

This amendment does contain the word “annual” [*Technical difficulty—Editor*] or is it not? I know you—

• (1550)

The Clerk of the Committee (Ms. Tina Miller): Madam Chair...?

The Chair: Who is this, please?

The Clerk (Ms. Tina Miller): It's the clerk speaking, Madam Chair. Mr. Housefather has his hand raised.

The Chair: Very good. Thank you.

Clerk, if you don't mind, if you would push back your chair a little bit I could see you. I can't right now. I'm so sorry.

Thank you, Madam Clerk.

Go ahead, Anthony.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you so much, Madam Chair.

I have a question for the officials. I remember that last year, when Facebook was here, I asked Facebook to disclose their Canadian revenues. Because it was bundled with North American revenues, they said they didn't know their Canadian revenues.

If indeed such an amendment were adopted, requiring us to go by the revenues of these companies, do we have a means of requiring foreign streamers to disclose to us what their Canadian revenues are if they choose to bundle them with foreign revenues?

Mr. Thomas Owen Ripley (Associate Assistant Deputy Minister, Department of Canadian Heritage): Thank you for the ques-

tion, Mr. Housefather. To some extent it's similar to what Mr. Julian had asked before the break.

The CRTC does have information-gathering powers for entities that are subject to the act. I think a potential conflict that could arise is a company arguing that it falls under this exemption that is being proposed, and thus is not subject to any information-gathering powers by the commission. Therefore, that could give rise to a dispute between the commission and a company from whom they were seeking to gather information.

For the benefit of the committee, I would remind the committee that the CRTC does have the power to exempt entities from regulatory obligations, in proposed subsection 9(4) of the bill, and subject those to certain conditions. Therefore, that mechanism achieves a similar purpose to this. There is no financial threshold in that provision, I acknowledge, but it is clear that the entity nonetheless remains subject to the jurisdiction of the CRTC and information-gathering powers, for example

The Chair: Thank you, Mr. Ripley.

Go ahead, Peter.

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you very much, Madam Chair.

I'd like to come back to Mr. Ripley on this.

Just so we understand, when these loopholes develop, have there been circumstances where the CRTC has gone, for example, into states where there is not the same respect for the rule of law? If there is an online service provider, of course, that says it's exempt because it doesn't raise the revenues that are foreseen in this amendment, I am not sure what powers the CRTC would have to enforce this direction.

It seems to me that it is a massive loophole that, if you're not a particularly honest entrepreneur, you could exploit. It undermines the whole principle of the bill. What kinds of powers would the CRTC have in circumstances like that?

The Chair: Are you asking this question of Mr. Ripley, Mr. Julian?

Mr. Peter Julian: Yes, I am.

The Chair: Go ahead, Mr. Ripley, please.

Mr. Thomas Owen Ripley: Thank you, Chair.

Thank you for the question, Mr. Julian. In the instance you describe, the primary tool of the CRTC would likely be to go and have its order turned into a court order. It has that ability to go to court and have a decision it's made or a contravention basically become a court order. Then it becomes a case, depending on the jurisdiction in question, of extraterritorial issues around the application of Canadian law.

That is the primary mechanism it would have available to it in order to seek to enforce its decision on a company that's arguing that they are not subject to Canadian jurisdiction because they are based in another country, for example.

The Chair: Thank you.

Does that answer your question, Mr. Julian?

Mr. Peter Julian: It does.

Thank you very much, Mr. Ripley.

My comment is this: If you have a bad player, essentially what this loophole would do is give them an opportunity to exempt themselves from provisions of the act. Now at the same time, I think perhaps over years and with the expenditure of a lot of resources, there may be ways in certain cases to have them correspond to the letter of this loophole. It just seems to be better not to create the loophole in the first place and create that uneven playing field.

If we all support the principle that the web giants have to provide for that level playing field, I don't understand why we would create a loophole that actually does the opposite, so I'll be voting against this amendment.

Thank you.

• (1555)

The Chair: Thank you, Mr. Julian.

I understand somebody else's hand is up on the floor.

Go ahead, Mr. Perkins.

Mr. Rick Perkins (South Shore—St. Margarets, CPC): Thank you, Madam Chair.

I have a question for officials as a follow-up to the line of questioning.

Does the CRTC not have the—

The Chair: Through the chair, please, Mr. Perkins.

Mr. Rick Perkins: Yes.

The Chair: If you question the officials, it's through the chair. Thank you.

Go ahead.

Mr. Rick Perkins: I thought I did say that at the beginning.

Madam Chair, thank you. Through you, does the CRTC not have the power to compel financial statements from any company that's operating this service in Canada?

Mr. Thomas Owen Ripley: Indeed, one of the changes the bill proposes is making sure the CRTC does have information-gathering powers so that it could go to a service operating in whole or in part in Canada and ask for certain information from them, such as their Canadian revenues.

I had understood Mr. Julian's question to be what happens if that company basically refuses to play ball, so to speak, with the CRTC, claiming they weren't subject to its jurisdiction. That was how I understood Mr. Julian's question.

However, you are right. Yes, the CRTC does have those powers to ask for this kind of information.

The Chair: Thank you, Mr. Perkins.

Go ahead, Mr. Housefather.

Mr. Anthony Housefather: Thank you so much, Madam Chair.

I just wanted to come back to that. I don't know if it's another question or basically just a follow-up from me.

This amendment, the way it reads, is that "This Act does not apply". It doesn't say, the way the other amendments do, that you do not carry out an online undertaking "for the purposes of this Act". It's specifically saying the act doesn't apply to any company that falls under this financial threshold.

If I am a foreign operator with no company in Canada, basically simply a foreign operator that has all my employees outside of Canada and I'm not subject to any other Canadian jurisdiction, and I say the act doesn't apply to me at all, I don't think, then, the revenue-gathering powers of the act apply to that company. Certainly the foreign courts and the conflict of laws may very well say that, even if there's a Canadian court that renders judgment—which I'm not sure they would in that context—then there would be no application for a foreign country to give effect to that judgment.

To me, this is creating an exemption where any company that claims to be under the threshold is not subject to the act, and therefore could avoid the obligations under the act completely. For that reason, I'm even more convinced, even though I was convinced before, that I would vote against it.

Thank you, Mr. Ripley, for the answer.

The Chair: Thank you very much.

Does Mr. Perkins need to answer this, Anthony?

Mr. Anthony Housefather: No. Thank you, Madam Chair. I'm fine.

The Chair: That's fine. Thank you.

Clerk, your hand was up. Do you have another person on the floor?

The Clerk (Ms. Tina Miller): Mr. Waugh has his hand up.

The Chair: Go ahead, Kevin.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Thank you, Madam Chair.

I just wanted to point out that the federal government last year spent \$11 million on Facebook advertising. When I see these \$50 million or \$100 million or \$150 million, in perspective, the federal government last year, if you don't mind, Mr. Ripley, spent \$11 million alone on Facebook.

These numbers may look huge, but when you get one agency, like the federal government, spending \$11 million, almost a quarter, actually more than a quarter, of what we're talking about on CPC-1.03, it puts it in perspective, I think.

What are your thoughts on that?

Mr. Thomas Owen Ripley: Thank you for the question, Mr. Waugh.

I believe I understand what Mr. Nater, the mover here, is seeking to accomplish by establishing a hard, financial threshold.

As I highlighted earlier, the government does recognize that there are going to be instances, given the wide variety of online broadcasters, where certain classes of online broadcasters should not be subject to regulatory obligations.

The potential mischief on this one is the one I highlighted earlier with respect to certain Canadian services. Again, I think our public broadcaster, CBC/Radio-Canada, would be a good example. Their services—CBC Gem, for example, or TOU.TV—would qualify as an online broadcasting undertaking. The challenge with the proposal from the government's perspective is that it is potentially also excluding online undertakings that could make a very real contribution to achieving the policy objectives of the act. Online undertakings aren't exclusively the big streaming services.

I understand that those big streaming services such as Netflix, Disney+ or Amazon certainly likely exceed that threshold, but there are other online undertakings in the Canadian context that may be very well suited to contributing to some policy objectives of the act and may not achieve that threshold.

• (1600)

Mr. Kevin Waugh: Thank you.

The Chair: Is there any further discussion? No.

All right. I'm now going to call the question.

(Amendment negated: nays 7; yeas 4)

The Chair: Just for the record, we will move therefore to CPC-1.04.

Mr. Nater, for the record....

Mr. John Nater: Thank you, Madam Chair.

Mrs. Thomas thinks I have a good chance with this amendment.

The Chair: Okay.

Mr. John Nater: I can read this into the record, CPC-1.04:

This Act does not apply to an online undertaking whose revenues in Canada from paid subscriptions and embedded advertising do not exceed \$25,000,000 annually.

Very briefly, obviously, I don't think I need to repeat the arguments made, but this is to set a threshold from which this act would not apply. I think \$25 million is a relatively low number when we're talking about the large multinational streamers. I think this would be an appropriate amendment, and I will leave it to the committee.

Thank you, Madam Chair.

The Chair: Thank you very much, Mr. Nater.

Mr. Julian, your hand is up.

Mr. Peter Julian: Thank you very much, Madam Chair.

What's clear here, regardless of the amount, is that this creates a massive loophole, and I think that's the consideration that we must have as a committee. It doesn't matter about the amount. It just matters that any company that claims that amount is then completely subtracted from the act, which means they can do whatever the hell they want and the CRTC doesn't have any sort of jurisdiction. Not only does that create a huge imbalance. It means that the companies that are the most dishonest, the online undertakings that are the

most dishonest, are the ones that can benefit the most from this uneven playing field, this loophole that leads to some companies being able to, through dishonest practices, simply pull themselves out.

All parties have said that they support the intent of creating a level playing field, and all parties support the idea that web giants should pay their fair share. It seems to me to be very destructive to those principles that all parties support, if that we create this loophole that dishonest online companies could use to simply say, "These provisions don't apply. I'll do whatever the hell I want." We have heard testimony from our departmental witnesses that it is a laborious practice that does not guarantee an adequate outcome to get around those dishonest players.

We cannot create with Bill C-11 what we have created with overseas tax havens.

The PBO estimates that \$25 billion a year goes to overseas tax havens. Think of the housing crisis, the crisis in indigenous communities, what seniors are living through, families struggling with the cost of living, all of those things, and \$25 billion goes to overseas tax havens in a blink of an eye, every year, according to the Parliamentary Budget Officer. Why would we want to create the same kind of massive loophole in Bill C-11?

It makes sense to take the approach that, if we want to have a level playing field, online providers are part of this approach on Bill C-11, and I fail to see how a loophole in any amount listed can be.... As a dishonest practice within an online undertaking, particularly a foreign one that is perhaps in a jurisdiction where Canada doesn't have the ability to intervene, they can just choose whatever figure they choose to declare, even if it's a dollar, and then they're automatically basically exempt from the act. That doesn't make any sense at all.

We're basically going over the same amendment with different dollar figures. Regardless of the amount, it creates a significant loophole for dishonest business practices and actually skews the whole principle of a level playing field, which is the intent of the bill and which—I'll mention it just one final time—all parties say that they support. Why would any party propose to create a big loophole that throws that out of whack?

• (1605)

The Chair: Thank you, Mr. Julian.

Mr. Nater.

Mr. John Nater: Thank you, Madam Chair. I'm just going to make one final comment on this before it goes to a vote. If we take the government and the minister at their word—which I hope we can—there will be a threshold and the CRTC will set that threshold.

I personally think that we as parliamentarians have a duty to play a role, and that's why we've made this amendment that we, as elected officials representing our constituents from coast to coast to coast, should be here making that decision. That's why we've moved these amendments.

Obviously, we're down to \$25 million, which is quite restrained when you look at, as Mr. Waugh mentioned, the millions that are spent by the government and by political parties annually here in Canada. I think the Liberal Party spent about \$4 million on advertising in the last couple of years on Facebook, which is obviously a legitimate expense, but it doesn't take long to hit that threshold. This will capture the major foreign entities beyond a \$25-million threshold.

There will be a threshold set if the government is to be taken at its word, but we as parliamentarians, we as the Conservative official opposition, believe that it should be a role played by us since we have not yet seen a policy directive from the government.

Thank you, Madam Chair.

The Chair: Thank you, Mr. Nater.

Go ahead, Mr. Perkins.

Mr. Rick Perkins: Thank you, Madam Chair.

Just on Mr. Julian's point, and to re-emphasize what Mr. Nater said, I think it is appropriate for parliamentarians to set this, rather than appointed people at the CRTC, since this is what's going to happen anyway. At some sort of level, it will be set.

Second, the assumption that all companies break the law, as Mr. Julian is putting forward, is a ridiculous argument. Most of these companies are publicly traded. Most of them have entities and employees here in Canada. To suggest that somehow they will use this to break the law is disingenuous. Casting assumptions about whether or not companies will abide by the law in the countries in which they operate is just ridiculous.

The Chair: Thank you, Mr. Perkins.

Is there anyone else? No, then I will ask the clerk to please call the vote on amendment CPC-1.04.

(Amendment negated: nays 7; yeas 4)

The Chair: I'd like us to move to the final amendment on clause 2. That would be from Mr. Louis, Kitchener—Conestoga.

I will read his amendment. It is that Bill C-11, in clause 2, be amended by replacing line 35 on page 3 to line 1 on page 4 with the following:

enhance the vitality of official language minority communities and to support and

Is there any discussion?

There is none on the floor, none virtually—

• (1610)

Mr. Tim Louis (Kitchener—Conestoga, Lib.): Madam Chair, it's Tim.

I just thought that since I introduced it I should explain it.

This amendment basically brings terms in the Broadcasting Act in line with language preferred by official language minority communities. It would better reflect the official language that minority communities prefer to use themselves. It will not change the scope

of the bill. It makes the language consistent with what my colleague mentioned before.

The Chair: Thank you, Tim.

Is there any discussion?

Go ahead, John.

Mr. John Nater: I just have a question of clarification, perhaps to the legislative clerks. I notice that this amendment is labelled as G-1, which I'm assuming means Government-1, but I also see amendments labelled as Liberal-3 and Liberal-4. I'm just seeking clarity on the difference between a government amendment and a Liberal amendment.

The Chair: Go ahead, Mr. Méla.

Mr. Philippe Méla (Legislative Clerk): Thank you, Madam Chair.

It's an internal code that we attribute to each amendment, like "CPC" for yours. For the Liberal Party, it depends on where the amendment is drafted. If it's from the Department of Justice, we attribute the "G". If it's drafted in-house in the House of Commons by drafters, it's "Liberal".

Mr. John Nater: This particular amendment, then, was drafted by the government, not by the committee.

Mr. Philippe Méla: Yes.

Mr. John Nater: Thank you, Madam Chair.

It's just interesting to know that the government department and its apparatus are now becoming involved in providing amendments for committee members.

The Chair: Thank you.

Is there any further discussion on this? Shall we call the question on G-1, please?

(Amendment agreed to: yeas 11; nays 0)

(Clause 2 as amended agreed to: yeas 7; nays 4)

(On clause 3)

The Chair: We will now move to clause 3. The first amendment on clause 3 would be Conservative amendment 2. Again, if CPC-2 is adopted, then BQ-3, which is on page 16, and NDP-1.2, which is on page 17, cannot be moved due to a line conflict.

Everyone's clear on that. Therefore, I shall ask Mr. Nater—

• (1615)

Mr. Peter Julian: I'm sorry, Madam Chair, I would ask that every time either the legislative clerk or you are listing a number of deletions or amendments you go very slowly. That's the only way for us to track what is going on. Could you repeat yourself, please?

The Chair: Thank you.

If CPC-2 is adopted, BQ-3, which is on page 16, and NDP-1.2, which is on page 17, cannot be moved because of a line conflict.

Mr. Peter Julian: Okay. Thank you.

The Chair: Thank you.

Mr. Nater, will you please read your CPC-2?

Mr. John Nater: Thank you, Madam Chair. This is CPC-2. The amendment states that Bill C-11, in clause 3, be amended by, (a), replacing lines 7 to 9 on page 4 with the following:

(a) the Canadian broadcasting system shall be effectively

It also would amend the clause by, (b), replacing lines 11 to 15 on page 4 with the following:

(a.1) foreign broadcasting undertakings may provide broadcasting services to Canadians by means of online undertakings provided they do so in a manner that is consistent with the objectives of the broadcasting policy for Canada;

That's CPC-2.

This effectively provides that the Canadian broadcasting system continue to be owned by Canadians but also acknowledges that, in the global and digital marketplace we live in, there will be online undertakings that obviously already are being provided by foreign entities and will continue to be provided by foreign entities, with the acknowledgement and the understanding that they ought to consider and respect the same policy objectives that are outlined for Canadian providers, Madam Chair.

The Chair: Thank you, Mr. Nater.

Now we will entertain discussion on this amendment.

Go ahead, Anthony.

Mr. Anthony Housefather: Thank you so much, Madam Chair.

I just want to mention a concern that I have. In the way that this is formulated, proposed paragraph 3(1)(a.1) on lines 11 to 15 disappears. It says:

(a.1) each broadcasting undertaking shall contribute to the implementation of the objectives of the broadcasting policy as set out in this subsection in a manner that is appropriate in consideration of the nature of the services provided by the undertaking;

Essentially, the way this is worded is not as good as BQ-3. I'm against it for that reason.

Thanks, Madam Chair.

The Chair: Thank you.

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: I wanted to make much the same points. I, too, am going to reject this amendment because I prefer the wording of BQ-3.

[*English*]

The Chair: Thank you.

Is there any further discussion on CPC-2?

Yes, Philippe.

Mr. Philippe Méla: Thank you, Madam Chair.

I just want to highlight that I forgot that LIB-1.1 would also be affected if CPC-2 were to be adopted, because of a line conflict as well.

The Chair: Thank you.

Is there any further discussion on CPC-2?

Seeing none, we will call the question.

(Amendment negatived: nays 7; yeas 4)

• (1620)

The Chair: I then will move to BQ-3.

Go ahead, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: I think the amendment speaks for itself. We wanted to get a bit closer to the definition we had adopted for Bill C-10. We want to be sure to recognize the presence in our system of foreign broadcasting undertakings that provide programming to Canadians.

The amendment proposes that Bill C-11, in clause 3, be amended by replacing lines 7 to 10 on page 4 with the following:

(a) the Canadian broadcasting system shall be effectively owned and controlled by Canadians, and it is recognized that it includes foreign broadcasting undertakings that provide programming to Canadians;

[*English*]

The Chair: Thank you, Mr. Champoux.

Is there further discussion on this?

Go ahead, John.

Mr. John Nater: Thank you, Madam Chair.

I'd just look for some clarity on this, either from the legislative counsel or from the representatives from the department. The way this amendment is drafted, it's saying that the Canadian broadcasting system shall be effectively owned and controlled by Canadians—that's one part of the sentence.

The second part just recognizes foreign broadcasting undertakings that provide foreign programming to Canadians, but the foreign undertakings such as Netflix are not effectively owned and controlled by Canadians. I'm just looking for clarity in terms of this clause. How can we square the circle?

Maybe I'm just misunderstanding it. I'm not a lawyer. I just feel like including it in the same sentence seems like a contradiction in a way.

I just look for clarity, either from the legislative counsel or from the department, just to set my mind at ease in terms of how this is worded.

Thank you, Madam Chair.

The Chair: Thank you.

Mr. Champoux, would you like to clarify that for Mr. Nater?

[*Translation*]

Mr. Martin Champoux: Madam Chair, I believe the question was directed to Mr. Ripley or Mr. Méla. However, I can throw in my two cents.

[English]

The Chair: I think the point Mr. Nater is making is that the sentences are contradictory. I don't know that it is really relevant to send it to Mr. Ripley since it is your motion.

Martin, would you like to explain it to Mr. Nater? Then, if necessary, we will go to Mr. Ripley.

[Translation]

Mr. Martin Champoux: Madam Chair, the way Bill C-11 proposes to amend the text of the act represents a significant change from what was decided with Bill C-10. We're talking about non-Canadians not being eligible for a broadcasting license, a requirement that would be maintained in the instructions given to the CRTC. However, another government could decide to remove this requirement through an order in council. As a result, what the law-maker intended would be weakened in the act.

In my opinion, we don't want Canadian online businesses to be easily acquired and controlled by foreign interests. That is the thrust of the motion I'm putting forward. Instead, we encourage the CRTC to play a role in promoting the Canadian nature of the system. This does not in any way restrict foreign ownership and foreign activity in the Canadian broadcasting system, but we do further encourage the CRTC to put in place measures that provide incentives to consolidate Canadian ownership of businesses and Canadian control of the system.

I hope that answers Mr. Nater's question. If not, I'm sure Mr. Méla and Mr. Ripley can provide greater depth on the issue.

• (1625)

[English]

Mr. John Nater: If Mr. Ripley has something to add, I would appreciate that. Thank you.

Mr. Thomas Owen Ripley: Thank you for the question, Mr. Nater.

I agree with the assessment that the bill, as currently drafted, is trying to do two things. There is a current policy objective in the Broadcasting Act about the system being effectively owned and controlled by Canadians. As Mr. Champoux made allusion to, that has historically been done by issuing licences to only Canadian-owned and Canadian-controlled companies.

That said, part of Bill C-11 recognizes that many Canadians now subscribe to essentially non-Canadian services. One core objective of the bill is to bring those services into the system and have them contribute.

The current drafting of the bill speaks to the importance of the system continuing to be effectively owned and controlled by Canadians—in other words, Canadian over-the-air broadcasters, cable and satellite companies would need to be Canadian owned and controlled—but it recognizes that there's an exception for foreign broadcasting undertakings providing programming to Canadians.

Having listened to Monsieur Champoux, I would not say that it is open to a future government to dismantle the Canadian ownership and control requirements that are currently in place. Paragraph 3(1) (a) of the bill says “with the exception of foreign broadcasting un-

dertakings”. It makes that distinction, from the government's perspective, between Netflix, Disney+ and Amazon, which are not Canadian owned and controlled, and Rogers, Bell and Quebecor, which are Canadian owned and controlled.

The Chair: Thank you very much, Mr. Ripley.

Is there any further discussion on this motion? Is it very clear to Mr. Nater?

The Clerk (Ms. Tina Miller): Madam Chair, Mr. Waugh has his hand raised.

The Chair: Thank you.

Kevin.

Mr. Kevin Waugh: Thank you, Madam Chair.

TSN is owned by Bell, yet ESPN owns a portion. ESPN United States owns a portion of TSN Canada. How would that play out?

Mr. Thomas Owen Ripley: Thank you for the question, Mr. Waugh.

There is indeed a regulatory instrument that specifies the amount of foreign investment and ownership that can currently take place in Canadian broadcasting undertakings. That is set out in regulation. There are thresholds there, so you are right that there is some foreign investment, for example, in TSN, but it does respect those CRTC regulatory instruments that prescribe a maximum amount of foreign investment so that the broadcasting undertaking remains Canadian owned and controlled, to be consistent with the current policy objective of the act.

Mr. Kevin Waugh: Thank you.

The Chair: Thank you, Mr. Nater.

Thank you, Mr. Ripley.

Is there any further discussion? If not, I should also like to make it very clear that if this amendment BQ-3 is adopted, then NDP-1.2 on page 17 cannot be moved as they are identical. If BQ-3 is defeated, then NDP-1.2 is defeated, for the same reason.

If the BQ amendment by Mr. Champoux is adopted, then Liberal amendment 1.1 cannot be moved due to a line conflict.

Shall I go more slowly with that, or is that clear? Seeing no hands up and having informed everyone what the consequences are, I will then call the question on BQ-3.

(Amendment agreed to: yeas 7; nays 4)

• (1630)

The Chair: I'm looking for the next one, and that is from Mr. Nater, which is CPC-1.1.

Mr. Nater, go ahead for the record.

Mr. John Nater: Thank you, Madam Chair.

This is CPC-1.1. This amendment reads that Bill C-11, in clause 3, be amended by adding after line 22 on page 4 the following:

(2.1) Paragraph 3(1)(d) of the Act is amended by adding the following after subparagraph (i):

- (i.1) reflect and be responsive to the preferences and interests of its audiences,
- (i.2) to the extent possible, rely on market forces to ensure that Canadians obtain the programming of their choice,

The effect of this amendment...and this gets to the broadcasting policy for Canada. The part of the Broadcasting Act that's being amended is the actual broadcasting policy for Canada and some of the broad principles, for lack of a better word, that guide broadcasting policy in Canada. It's twofold.

The importance of this, I think, is actually the Canadian public: the consumers, the individuals who seek entertainment, who seek content being responsive to what they want, the interests they have, the shows, the creations they're interested in. It includes that as part of the broadcasting policy.

Of course, the element of market forces ensures that we are not arbitrarily putting our fingers on the scales and picking winners and losers among Canadian creators. The principle of this is including it in the broadcasting policy for Canada and really looking at the rights of consumers, the rights of individuals to be able to seek out and find and be responsive to the content they're searching for online and within Canada.

Thank you, Madam Chair.

The Chair: Thank you.

Is there any discussion on this motion?

Yes, Mr. Julian.

Mr. Peter Julian: Thank you very much, Madam Chair.

We heard testimony...and just one example is OUTtv, which on market forces basically was excluded from a number of streaming distributors. The market forces do exclude programming. The idea that Canadians obtain the programming of their choice when market forces, the big web giants, basically set the conditions, I think is somewhat misguided. That's why we have the uneven playing field that really calls for Bill C-11.

I'm reminded of that famous quip by Tommy Douglas that it's every man for himself, said the elephant, as he danced among the chickens. This is the kind of situation that develops when market forces are the only thing that are put into place, which is why Bill C-11 helps to level the playing field. Yes, there is a provision of market forces, no doubt, but there's also a bit of a counterbalance so we have a level playing field.

I'll be voting against this amendment.

The Chair: Thank you, Mr. Julian.

Mr. Nater.

Mr. John Nater: Thank you, Madam Chair.

I just want to clarify as well that it says "to the extent possible" when it comes to market forces. I think the example of OUTtv is a good one. Let's look at that with the traditional Canadian broadcasters as well and their failing to deliver on some of their public policy and broadcasting policy commitments as well. This is nothing new. This is nothing new when we have traditional broadcasters playing reruns of *Coronation Street* rather than other more appropriate Canadian creations, whether it's OUTtv or other entities as well.

I wish we could have heard from APTN, for example, in this as well, because there are certain things that are mandatory carriage within Canada in the traditional sense. If there's a decision to do that elsewhere as well, that's that, but we haven't heard from APTN, for example. I just want to make that point. We're seeing traditional broadcasters here in Canada failing to live up to many of their objectives as well, so this isn't a new issue.

Thank you, Madam Chair.

• (1635)

The Chair: Thank you, Mr. Nater.

Mrs. Thomas.

Mrs. Rachael Thomas: Thank you.

Essentially, what we're talking about here is discoverability. Mr. Julian raised the point that platforms already curate material for their audiences. That is correct. We heard that from YouTube and, I believe, from others as well.

However, the comparison he's drawing here, that if platforms do it themselves then why not put the government in control of the curation, is a terrible argument. It would be the same as or akin to saying that bookstores already determine where their books are going to be displayed, but why leave it up to them? The government should be put in control of that. Clothing stores already position their clothing within the storefront window in order to showcase certain things, to draw attention to the purchase of certain things. Let's not leave that up to the stores. Instead the government should be in control of that.

I recognize that Mr. Julian and I hold different views in terms of what government responsibilities should look like. I think what we heard from many witnesses, however, was that it is best to leave choice with Canadians rather than dictating to them what they should or should not watch or read or access online.

Scott Benzie is one individual who came forward, from Digital First Canada. With regard to discoverability, he commented that it may appear noble to want to show people Canadian content or to increase accessibility to Canadian content, but in actuality what will end up happening is that the government will be picking winners and losers. Some individuals, some content creators, will be bumped up in the queue and therefore made more discoverable, and others will be bumped down and therefore made less discoverable. When that happens, those individual artists or new media creators are no longer responsible for their own destiny, which is what they're enjoying right now and what makes the ecosystem so vibrant. Instead it will be the government determining that. The government will determine to what extent certain content is accessible within a platform such as YouTube.

That not only hurts Canadians, then, who are looking for certain content that would be of interest to them, but it also hurts the creators. It hurts those who exist within new media platforms who are making a go of it. Right now they can curate something that they know their audiences are going to love. They can use strategies in order to reach more people who love that same content.

Now, if Bill C-11 passes, the government is going to determine that it knows best and, therefore, it will force certain content in front of your eyeballs. If you don't like the content that is forced in front of your eyeballs, then you might not watch it. If you don't watch it, then that material continuously gets downgraded and pushed to the back end of the Internet. Meanwhile, that frustrates you as the viewer but it also hurts that individual or entity that came up with that content. Instead of its being shown to those who would take an interest in it, it's shown to someone who actually is going to, again, condemn it to the back pages of the Internet.

This is extremely harmful. Arguably it is censorship. It is determining what Canadians can or cannot access online. It is determining the audience that these digital creators would have access to.

I'm baffled, actually, by this. Here in Canada we have incredible digital-first creators. I'm perplexed as to why we wouldn't celebrate their success and want them to represent Canada to an even greater extent by being able to continue to reach not only a domestic audience but also a global audience. If this bill moves forward, it will build walls around these digital-first creators. Again, it will make sure that their content is shown to some Canadians, but it will actually prevent it from being able to reach beyond Canada's borders.

• (1640)

That's unfortunate, because, right now, for Canadian content or digital-first creators here in this country, 90% of the audience is global, on average. In essence, then, this bill hinders them. It prevents them from achieving success. It's incredibly harmful.

I'm confused as to why we would move in that direction. You might recall that Morghan Fortier from Skyship Entertainment came to the committee. With regard to discoverability, she said:

Bill C-11...is a bad piece of legislation. It's been written by those who don't understand the industry they're attempting to regulate, and because of that, they've made it incredibly broad...

Minister Rodriguez has insisted that [user-generated content] will not be included in Bill C-11, but this is untrue. Last week, the chair of the CRTC, Mr. Scott, confirmed that [user-generated content] is in the current draft of the bill.

She also said:

In order for these platforms to operate successfully, global discoverability is the key for a lot of these content creators. I think a lot of that understanding is lost when you look at a geographically niche broadcast enterprise, which the Canadian industry has been for a very long time.

In other words, her argument is this: Bill C-11 will capture many of these individuals who are making a go of it within unique online platforms. It will determine whether or not they get to win or lose, in other words, and whether their content is discoverable or has to be hidden. That is incredibly detrimental to those individuals working very hard to make a go of it.

I have to plead with the committee that we take into consideration our digital-first creators in this country, that we advocate for them and that we ensure their content is not forced in front of the eyeballs of Canadians or hidden from the eyeballs of Canadians based on some sort of government regime enforced through the CRTC. Rather, these individuals should be given the freedom required to succeed within the digital space.

The Chair: Thank you, Mrs. Thomas.

Is there any further discussion on CPC-1.1?

If not, I'll call the question and ask that the clerk go to the vote.

(Amendment negated: nays 7; yeas 4)

The Chair: Thank you very much. I'm now going to move to CPC-1.11.

Go ahead, Mr. Nater.

Mr. John Nater: Thank you, Madam Chair.

Here is a brief explanation of this amendment. It is talking about exporting Canadian content and making sure it is promoted and can succeed globally.

I would note that it wasn't too long ago a Canadian Heritage delegation was in Europe, celebrating and spreading Canadian content and the Canadian industry over there. This is something I think we should be promoting, from a broadcasting perspective and a creator perspective.

This would be an amendment to the broadcasting policy for Canada. It reads that Bill C-11, in clause 3, be amended by adding after line 22 on page 4 the following:

(2.1) Subparagraph 3(1)(d)(ii) of the Act is replaced by the following:

(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 online undertakings globally,

That would be my amendment.

I think it's important we do what we can to promote and export Canadian talent and creations around the globe.

Thank you, Madam Chair.

• (1645)

The Chair: Thank you, Mr. Nater.

Is there discussion on this?

Is there a hand up, Clerk?

The Clerk (Ms. Tina Miller): We have Mr. Housefather, Ms. Hefpner and Monsieur Champoux.

[Translation]

Mr. Martin Champoux: I thought I raised my hand before, Madam Chair, but that's all right.

[English]

The Chair: Go ahead, Anthony.

Mr. Anthony Housefather: Thank you, Madam Chair.

I'm pleased to tell Mr. Nater that I actually do support this amendment. This one I agree with, based on what he said. I'm hopeful that everyone else will agree with me, since I took the liberty of saying that.

I do have one amendment, which would be that it should read, “Canadian programs” and not “Canadian online undertakings”. “Online undertakings” are defined in Bill C-11 as “online undertaking means an undertaking for the transmission or retransmission of programs over the Internet for reception by the public by means of broadcasting receiving apparatus”.

I hope it would be considered a friendly amendment just to change “online undertakings” to “programs”.

Mr. John Nater: Madam Chair, I would accept that as a friendly amendment.

The Chair: Thank you, Mr. Housefather.

We have a subamendment to Mr. Nater's amendment. Speaking to the subamendment or discussing the subamendment is Ms. Hepfner.

Ms. Lisa Hepfner (Hamilton Mountain, Lib.): Madam Chair, I had a similar suggestion to Mr. Housefather's, so I will pass and say I would also support that subamendment and then the general amendment.

The Chair: Thank you very much, Ms. Hepfner.

Mr. Champoux.

[Translation]

Mr. Martin Champoux: Madam Chair, I believe that Mr. Nater accepted the friendly amendment from Mr. Housefather. I don't know if we need to debate it given that the proposal was accepted.

[English]

The Chair: Is that what the committee wishes to do?

(Subamendment agreed to)

(Amendment as amended agreed to: yeas 11; nays 0)

The Chair: Thank you.

We will move next to amendment NDP-1.3.

Mr. Julian, for the record, go ahead.

Mr. Peter Julian: Thank you very much, Madam Chair.

I want to say that there were a number of stakeholders who spoke to this issue as well, so it's important to ensure that in the system, and in Bill C-11, we:

(iii.11) provide opportunities to Black and other racialized persons in Canada to support them in reaching their full potential by taking into account their specific needs and interests, namely, by supporting the production and broadcasting of original programs by and for Black and other racialized communities,

The Chair: Thank you, Mr. Julian. I think you wanted that to be added after line 40 on page 4.

• (1650)

Mr. Peter Julian: Yes.

The Chair: Thank you.

All right, is there any discussion on this issue?

Go ahead, Martin.

[Translation]

Mr. Martin Champoux: Thank you, Madam Chair.

I have absolutely nothing against the idea of promoting the growth and visibility of racialized communities and individuals. I'm only acting in good faith, but I wonder why we need to specify one racialized community over the others. Aren't we opening the door to other, equally justified requests that may come from other racialized communities?

Later in our bundle of amendments, there are two that address this same request in a more general and inclusive way, in my opinion. They are CPC-3 and G-2, which is being proposed by Mr. Coteau. These amendments are much more inclusive and they don't target any group in particular.

My question is for Mr. Julian. Personally, I find that we have other amendments written in a more general and inclusive way.

[English]

The Chair: Would you like that addressed to the legislative clerk Mr. Méla or to the department, Martin?

[Translation]

Mr. Martin Champoux: My comment was more directed at Mr. Julian. I wanted him to be aware of my intentions regarding this amendment.

[English]

The Chair: All right.

Therefore, Mr. Julian, go ahead.

[Translation]

Mr. Peter Julian: Thank you, Madam Chair.

Members will recall that the witnesses also asked that we talk about opportunities for Black and other racialized people. That was the preferred wording for the amendment. I find the other amendments very good as well, but we were specifically asked to word an amendment in such a way that it would “provide opportunities to Black and other racialized persons in Canada to support them in reaching their full potential”.

[English]

The Chair: Thank you, Peter.

Are there any other hands up, Clerk?

The Clerk (Ms. Tina Miller): Yes. We have Mr. Coteau. Mr. Julian did have his hand raised after that, and then Mr. Waugh. We have two others—

The Chair: Mr. Julian just spoke, so I will go to Mr. Coteau and Mr. Waugh, and then Mr. Julian can wind up.

Mr. Michael Coteau (Don Valley East, Lib.): Could I speak, Madam Chair?

The Chair: Yes, Mr. Coteau. The floor is yours.

Mr. Michael Coteau: Thank you so much.

I want to thank the member for bringing the amendment forward. I understand the intent of the actual amendment. I would just, as a friendly suggestion, maybe take out the words “reaching their full potential” and just have something like, “provide opportunities for Black and other racialized persons in Canada by taking into account their specific needs and interests”.

There are many Black Canadians and racialized Canadians who have reached their full potential and who have done extraordinary things in culture and arts sectors in this country. I just think that may undermine some of that success. I think just providing the support is good enough, but not putting “reaching their full potential”. That’s just a friendly suggestion.

If it’s accepted, it can just be friendly. If not, I can just move a subamendment to it.

The Chair: Peter.

Mr. Peter Julian: Thank you, Madam Chair. These amendments, as you’re aware, come from stakeholders. I’m very agreeable to amendments and also agreeable to the fact that there are a couple of other amendments that endeavour to accomplish the same thing.

Mr. Michael Coteau: I would like to remove that one part, if it’s okay, “by reaching their full potential”.

The Chair: Then please move a subamendment, Mr. Coteau, if that’s what you would like to do.

Mr. Peter Julian: It’s agreed.

The Chair: From what I heard you saying, you were asking that the words after “support them”, which are “in reaching their full potential”, should be removed. Is that what you’re trying to say, Mr. Coteau?

• (1655)

Mr. Michael Coteau: Yes, it’s to remove the words “reaching their full potential” and to have “persons in Canada to support them by taking into account their specific needs and interests”.

The Chair: Thank you.

Mr. Peter Julian: Yes. I’m agreeable to that, Madam Chair.

The Chair: Thank you, Mr. Julian.

We now have an agreement. I gather everybody that else is in agreement and we don’t want to vote on this formally. Everyone’s in agreement—

[*Translation*]

Mr. Martin Champoux: Madam Chair, I wish to speak.

[*English*]

Mr. Philippe Méla: Madame Chair, I’m sorry—

The Chair: Yes, Martin.

[*Translation*]

Mr. Martin Champoux: Madam Chair, I’d like to ask the legislative clerk’s opinion on the amendment in question, but also on the effect it might have on CPC-3 and G-2. Strictly speaking, I see no conflict, in that these amendments would be to the same lines in the bill, but they still represent the same content or the same requests. Therefore, I would like to know if the amendment we’re going to vote on could have an effect on CPC-3 and G-2.

[*English*]

The Chair: Mr. Méla.

Mr. Philippe Méla: Thank you, Madam Chair.

[*Translation*]

I need a clarification on the amendment. Mr. Coteau has indicated that he wants to remove part of it. To know if what I have in front of me is accurate, I will read it to you:

[*English*]

“provide opportunities to Black and other racialized persons in Canada, to support them”. Do you want to include the word “them” with it?

Mr. Michael Coteau: Yes, the word “them” is fine.

The Chair: There is no sound.

I’m sorry, Clerk. There’s no sound from Mr. Méla and no translation.

Mr. Michael Coteau: It would be “provide opportunities to Black and other racialized persons in Canada by taking into account their specific needs”.

The Chair: Mr. Méla...?

Mr. Philippe Méla: Madam Chair, can you hear me now?

The Chair: I cannot hear you at all. I thought that we had all been silent for quite a bit.

Mr. Philippe Méla: How about now?

The Chair: Now I can hear you, yes.

Mr. Philippe Méla: Okay. Thank you, Madam Chair.

Just to confirm with Mr. Coteau, you just want to remove the words “in reaching their full potential”. Is that it?

The Chair: Yes, I think so. That’s what Mr. Coteau said clearly.

Mr. Michael Coteau: I’ve said this a couple of times. It would be “provide opportunities to Black and other racialized persons in Canada by taking into account their specific needs”, etc.

The words “to support them in reaching their full potential” can be removed.

Mr. Philippe Méla: Thank you.

The Chair: Is Mr. Méla speaking? I don’t know if I can hear him.

Mr. Philippe Méla: No, Madam Chair. I was done.

The Chair: Okay.

Now that you have it, I think the question that is being asked is, how would that impact? Is this in line? Is this in order? How would that impact any similar amendments?

Mr. Philippe Méla: It would be up to the committee to decide what they prefer in terms of wording afterwards. There is no line conflict. One amendment would add to the other. At the end of the day, it’s up to the committee to decide what the committee wants in terms of wording.

• (1700)

The Chair: Thank you.

We will now vote on the amended amendment from Mr. Julian, which is NDP-1.3.

The Clerk (Ms. Tina Miller): Madam Chair, I'm not sure, but I still have Mr. Waugh, Mr. Nater and Ms. Thomas on the list of members wishing to speak.

The Chair: Okay. Thank you.

Mr. Waugh.

Mr. Kevin Waugh: Thank you, Madam Chair.

It's an interesting amendment. I mean, we support it, but I do have an issue with "supporting the production and broadcasting".

Obviously, legacy or traditional broadcasters over the years have not represented Black and racialized persons on television. We have seen social media and these creators now go through YouTube with their content online. They have podcasts. Their voices now are being heard where really the traditional broadcaster has dropped the ball. We heard that from OUTtv.

I'm a little concerned with this amendment. Are we going to put limits now on traditional broadcasters that they must show more Black and racialized programming? I think we have seen over the years that this is one area in this country where they have probably not been represented well enough. That's why they have gone to the YouTubes and TikToks of the world to get their messages out. I just bring this to the committee's attention because of "supporting the production and broadcasting".

To the department officials, is there anything with traditional television networks that today we are supporting the production and broadcasts of this outside group that Mr. Julian brings to committee? Is there anything in the rules of the Broadcasting Act today that we may not know about that you can bring us up to date on with regard to this group that obviously is trying to get their message across in committee here?

The Chair: Go ahead, Mr. Ripley.

Mr. Thomas Owen Ripley: Thank you, Chair.

Thank you for the question, Mr. Waugh. Currently in the act there is not language that would specifically emphasize the importance of supporting cultural expression by the Black community. This is indeed a request that they have made to the committee.

I've looked at the wording. In English—I would defer to Mr. Julian, certainly, on what his policy objective is on this—I believe it could be read as seeking two objectives. One is the production by and for Black and other racialized communities, as well as the broadcasting of original programs by and for Black and racialized communities, suggesting that the system should also encourage there to be broadcasting undertakings, such as broadcasters who are controlled or operated by Black and other racialized communities.

There are two elements there. There's the production of content side and the actual business of broadcasting component. I would say, in my reading, that the suggestion is a little bit weaker in the French language, given how it's structured. That's why maybe I would defer to Mr. Julian on whether his policy objective really is on both the production side and the operation of the broadcasting undertaking side of the equation.

The Chair: Thank you, Mr. Ripley.

The next person up is Mr. Nater.

Mr. John Nater: Thank you, Madam Chair.

My question was from earlier, and I think Mr. Méla addressed it. It was in relation to there being not a line conflict but a "subject matter conflict", for lack of a better phrase.

Mr. Coteau has G-2 and the Conservatives have CPC-3. CPC-3 reads as follows:

provide opportunities to Canadians from racialized communities and of diverse ethnocultural backgrounds to produce programs and broadcasting undertakings, including programs that reflect the diverse lived experiences of Canadians and that express the cultural and historically significant stories of Canadians from racialized communities and diverse ethnocultural backgrounds,

It's getting at a similar idea. It's not the same. Obviously, if we want, we could adopt this one as well as Mr. Coteau's. It's all getting at the same thing. I would seek the direction of the chair or of the committee on this. If we vote in favour of Mr. Julian's, I suppose we could also vote in favour of the other two as well, but we're getting to a point where we have three amendments dealing with the same content, even though they're not on the same line.

Madam Chair, I just seek clarity. I'm happy to and I will vote in favour of Mr. Julian's amendment, but I seek some clarity on that. I don't know what the exact method would be for that.

• (1705)

The Chair: I think Mr. Méla could speak to that.

As the chair, I can tell you, because you asked for my comment, that this is speaking to a very specific group, and that this is saying that this group has been under-represented for a long time. The other amendments are speaking to a broader diversity demographic or a diverse demographic.

Mr. Méla.

Mr. Philippe Méla: Thank you, Madam Chair.

As I said earlier, it's really up to the committee to decide. The committee has the choice between a number of amendments, which the committee could subamend to make them its own, really, to decide what the committee wants. I don't have much to add to that.

The Chair: Ms. Thomas.

Mrs. Rachael Thomas: Thank you, Chair.

Chair, I just wish to make the point that I believe that the point is noble, in the sense that more attention is desired and more celebration is wanted around those who are part of a minority group in Canada, and I think we should want those individuals to have greater access. What should be noted is that what we heard at committee over and over again from those individuals who were from minority backgrounds, which I would also note for the committee really wasn't a group that was adequately represented here when we heard from witnesses, and it really would have been nice to hear from more, which was a point raised before being forced to this place, where we are now going through this bill clause-by-clause.... Nevertheless, that aside, those who were fortunate to hear from and who are a part of minority groups did say that their success was found within the new media space.

You'll recall Ms. Roy, who goes by the name of "Aunty Skates". She is a South Asian individual who, I believe, at the age of 45 started skateboarding and started her own channel and social media platform around that. She tried to take her content and put it out to numerous traditional broadcasters, and the packages she sent out were rejected time and time again, but when she decided to use new media—in particular, TikTok, YouTube and Instagram—she was met with a great deal of success and, within a short period of time, now has several hundred thousand followers. It's incredible.

I do think it needs to be noted for the committee, then, that it is not through greater government regulation and control that the celebration of minority groups is achieved, but rather, the testimony we heard at this committee is that greater freedom is what allows these individuals to access a platform with equality and to be able to make a go of it.

I would encourage this committee, then, if they are serious about wanting to support those individuals who are part of minority groups, if they are truly wanting those individuals to succeed and to have access to platforms, to make sure that we're not hindering the new media arena. Let's make sure that we are actually protecting the freedom that exists there for these individuals to find the success that is theirs to rightfully achieve.

• (1710)

The Chair: Go ahead, Michael.

Mr. Michael Coteau: Just for clarity, one more time, supporting this amendment doesn't do anything. Is that right? It doesn't impact G-2.

I would say that they are similar but different in nature.

Mr. Philippe Méla: No.

Mr. Michael Coteau: Okay. Thank you.

The Chair: Thank you.

Shall CPC—

Mr. Peter Julian: It's NDP. There's a big difference, Madam Chair.

The Chair: I'm sorry, Peter. I realize that.

Shall NDP-1.3 carry?

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: We have a hard stop at 5:30. We still have about another 14 to 15 minutes to go.

What is the wish of the committee? Should we go to the next motion?

Mr. John Nater: Let's keep going.

Mr. Peter Julian: Go ahead.

The Chair: If so, we have LIB-2, which is Mr. Housefather, please.

Mr. Anthony Housefather: Thank you, Madam Chair.

Hopefully, this will be a simple non-controversial one. Again, the original language that we used in Bill C-10 was "original French language programs".

[*Translation*]

For some reason, the terminology was changed in Bill C-11. It's very important to ensure that we are talking about truly original French-language programs, not programs dubbed in French or translated into French. All the various francophone groups that have appeared before us requested it.

I have therefore prepared this amendment, as well as several others to come, to change the terminology so that it's correct in English and in French.

[*English*]

The amendment would say "original French language programs" in English, as opposed to the production and broadcasting of "original programs in French".

[*Translation*]

In the French version, it would be "émissions de langue originale française".

I feel it's pretty straightforward, but if you have any questions, I can answer them.

[*English*]

The Chair: Just read your amendment into the record, please, Anthony.

Mr. Anthony Housefather: It's basically replacing line 42 on page 4 with "original French language programs".

[*Translation*]

In the French version, this amendment would replace line 47 on page 4 with "d'émissions de langue originale française".

[*English*]

The Chair: Thank you.

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: This will come as no big surprise, Madam Chair, given that Mr. Housefather and I moved very similar amendments. This change in the wording was one of the first things brought to light when Bill C-11 was introduced. I believe it was an honest mistake when the bill was drafted.

Of course, I think this is easy to decide on, but I'd like to ask Mr. Méla for clarification. Because the wording comes up fairly regularly in the bill, we have several amendments with exactly the same intent. I want to make sure that if we vote for this amendment here, the outcome of the vote will apply to all other amendments that seek to correct the French wording with respect to original French-language content.

[English]

The Chair: If anyone wishes to speak to this amendment, I want to note that if this amendment from Mr. Housefather, LIB-2, is adopted, BQ-4, which Mr. Champoux was just referring to, becomes moot since they are identical.

If LIB-2 is defeated, BQ-4, for the same reason, will be defeated.

Mr. Champoux.

• (1715)

[Translation]

Mr. Martin Champoux: Madam Chair, through you, I was asking Mr. Méla if he could clarify something for me. We have a number of similar amendments that would replace the wording with what this amendment proposes, that is, “émissions de langue originale française”. It comes up quite often. Should we vote on each of these amendments or can we apply the outcome of the vote on this one to similar amendments?

[English]

The Chair: Mr. Méla.

Mr. Philippe Méla: Thank you, Madam Chair.

[Translation]

Thank you for your question, Mr. Champoux.

We will have to vote on each amendment separately. Given that we're working on a really tight deadline, I haven't had time to take note of all the consequential amendments.

Mr. Martin Champoux: Thank you.

Mr. Philippe Méla: You're welcome.

[English]

The Chair: Thank you.

Does that satisfy your question, Mr. Champoux?

[Translation]

Mr. Martin Champoux: Yes, Madam Chair.

[English]

The Chair: Thank you.

Shall LIB-2 carry?

(Amendment agreed to)

The Chair: Mr. Méla, I'm not quite sure whether BQ-4 carries automatically. Do we have to do an individual vote on each report?

Mr. Philippe Méla: Madam Chair, BQ-4 becomes moot, because it's the same as the one just adopted—LIB-2. There's nothing to do.

The Chair: Okay, that's good. That's what I thought, but maybe I wasn't catching the drift of what people were saying. I thought you said we had to vote on them individually. Thank you very much.

Let me check the time. We still have a few minutes.

I will move to LIB-3.

Mr. Anthony Housefather: Thank you, Madam Chair.

I believe this was carried by consequence when the definition was carried. I think this one was already dealt with.

The Chair: Yes, I think you're absolutely right. It was dealt with. Thank you.

Now we have LIB-3.1. I think this was also carried.

Am I right, Mr. Méla? Was LIB-3.1 also carried?

Mr. Philippe Méla: No, Madam Chair, it wasn't.

The Chair: Go ahead, Ms. Hepfner.

Ms. Lisa Hepfner: Thank you, Madam Chair.

I will read out the text of my amendment, which moves that Bill C-11, in clause 3, be amended by replacing lines 7 to 12 on page 5 with the following:

served, including with respect to the languages in use within those communities and to their ethnocultural and Indigenous composition, and the high engagement and involvement in community broadcasting by members of those communities, including with respect to matters of public concern,

This is an amendment that gives greater prominence to the role of community media. It's an important way to amplify diverse voices on diverse issues. We know we want a strong community broadcasting system that keeps Canadians engaged. It doesn't change the scope of the bill and it's something I heard from several stakeholders, including CACTUS, the Community Radio Fund, the National Campus and Community Radio Association, and Association des radiodiffuseurs communautaires du Québec.

I hope everyone will support this.

Thanks.

The Chair: Is there any discussion, Madam Clerk?

The Clerk (Ms. Tina Miller): There are no hands up, Madam Chair.

The Chair: Perhaps we shall call the question on LIB-3.1.

(Amendment agreed to: yeas 11; nays 0)

• (1720)

The Chair: We will now go to CPC-3, because we have about 10 minutes left.

Mr. John Nater: Thank you, Madam Chair.

Again, we're still in the broadcasting policy element of this. I think we foreshadowed this debate a few minutes ago in discussion with Mr. Julian's motion. I'll read this one into the record. I move that Bill C-11, in clause 3, be amended by adding after line 15 on page 5 the following:

(iii.6) provide opportunities to Canadians from racialized communities and of diverse ethnocultural backgrounds to produce programs and broadcasting undertakings, including programs that reflect the diverse lived experiences of Canadians and that express the cultural and historically significant stories of Canadians from racialized communities and diverse ethnocultural backgrounds,

I don't think I need to explain much more. I think it's fairly self-explanatory and builds on many of the conversations we've had in the last hour within this committee. We heard this, perhaps not always directly, from witness testimony. It's certainly in some of the briefs provided to our offices, in terms of written submissions.

I'm happy to move this amendment and, hopefully, we'll find support around the table.

Thank you, Madam Chair.

The Chair: Is there any discussion on Mr. Nater's amendment?

There are no hands up on the floor and no hands up virtually. Shall we call the question on this?

The Clerk (Ms. Tina Miller): I'm sorry, Madam Chair. Mr. Bittle has his hand raised.

The Chair: Go ahead, Chris.

Mr. Chris Bittle: Thank you so much, Madam Chair.

We agree with the goals of this amendment, but our preference is for G-2, in that it provides stronger assurances for these communities in the legislation. Unfortunately, we oppose it.

The Chair: Thank you.

Is there any further discussion? No.

Let's call the question, please.

(Amendment negated: nays 6; yeas 5)

The Chair: I think we could seek the committee's opinion on this. We are supposed to end this meeting at a set time, which is 5:30. We have six minutes left. Do we wish to go to G-2—

• (1725)

[Translation]

Mr. Martin Champoux: Yes.

[English]

The Chair: Okay. We're going to—

Mr. Peter Julian: Madam Chair, I believe you might have unanimous consent to extend until six. I believe our next meeting starts at 6:30, which would still give us a half an hour break.

The Chair: I need to ask the clerk, because this has to do with resources and rest breaks for clerical persons and for committee support staff.

Clerk, can we go until six?

The Clerk (Ms. Tina Miller): Madam Chair, could I get a minute to check on that and get back to you as soon as possible?

The Chair: Thank you.

We can suspend for about a minute.

[Translation]

Mr. Martin Champoux: We should keep going.

[English]

Mr. John Nater: Madam Chair, before you suspend, I think we could work on G-2 while the clerk seeks clarification.

The Chair: All right. We have only six minutes, so if the clerk says no, we're going to go over time.

We'll continue the discussion. G-2 is—

Mr. Michael Coteau: Madam Chair, it's Michael Coteau.

The Chair: Go ahead, Michael.

Mr. Michael Coteau: Thank you so much, Chair.

What this amendment does is propose an amendment by adding, after line 15 on page 5, proposed subparagraph (iii.6) and proposed subparagraph (iii.7). It's a pretty simple amendment that speaks to some of the previous amendments in the same spirit. It's about broadening diversity and inclusion within broadcasting and allowing more Canadians to see themselves reflected in culture.

I would ask for the committee's support on this one amendment.

The Chair: Could you please read it into the record?

Mr. Michael Coteau: Yes.

G-2 reads as follows:

(iii.6) support the production and broadcasting of programs in a diversity of languages that reflect racialized communities and the diversity of the ethnocultural composition of Canadian society, including through broadcasting undertakings that are carried on by Canadians from racialized communities and diverse ethnocultural backgrounds,

(iii.7) provide opportunities to Canadians from racialized communities and diverse ethnocultural backgrounds to produce and broadcast programs by and for those communities,

The Chair: Thank you.

Is there discussion on this?

Actually, before we move into that, Clerk, could you give us your response on the question with regard to resources and time?

The Clerk (Ms. Tina Miller): I think it's okay. Yes, I'm getting the response that we're okay.

The Chair: It's okay to go to six o'clock?

The Clerk (Ms. Tina Miller): Yes.

The Chair: Thank you.

We will go until six o'clock.

We now have an amendment on the floor from Mr. Coteau. We will entertain discussion.

Are there any hands up?

There are no hands up, and there's nothing virtually either.

Perhaps, Clerk, you can call the question, please—

The Clerk (Ms. Tina Miller): I'm sorry, Madam Chair. Ms. Thomas has her hand raised.

The Chair: Go ahead, Ms. Thomas, please.

Mrs. Rachael Thomas: Thank you, Chair.

Again, we've had a few motions now where the point seems to be to give greater opportunity to those who are from minority groups in Canada. I just think it's important to remind the committee of the words that Ms. Roy spoke when she was here. This is a South Asian woman who came and testified at committee about the benefits of using a new media platform versus traditional broadcasting, suggesting why it is so important for us to make sure that freedom within these platforms is protected and that government control is kept at bay.

Ms. Roy said the following:

Frankly, I don't qualify. I'm just not the right fit. That I'm not the right fit is a story I've been told my whole life. I'm too brown. I'm a nerd. I'm too old. I'm female. I'm not feminine enough. I'm not the right demographic, but I've never been the right demographic. My voice has been suppressed far too many times. That's not an easy thing to do, because I have a pretty loud voice.

Somehow along the way, I discovered a platform that allows me to tell my story as I see fit in my own voice. Other people are indeed interested in my story. Somehow this tall, brown, old and somewhat-out-of-shape mom who skateboards resonates with people all over the globe. Authentic, inspiring, genuine content—that's Canadian content...

If my video is suppressed because the CRTC decides that someone else's content should be artificially pushed over mine, I lose my ability to get in front of my audience. That directly affects my bottom line.

The language of this bill matters. Please, sure, help—great, fantastic—but make sure the language is clear. Minister Rodriguez stated that online streamers don't contribute to Canadian culture: "[It's] very simple. Platforms are in and users are out."

Herein lies the problem. With all due respect, the minister does not understand the language, and that can be dangerous. "Platforms" are in but "users" are out. My husband, who watches skate videos, is a user, whereas I make a living on the platform as a creator. Without creators, there is no platform for users to watch. To me, then, he's saying that platforms, and by extension creators, are in, but users are out. That's what's concerning to me. A lack of understanding leads to a lack of clarity. Please make it clear or leave that section out.

Again, if we're going to talk about defending those individuals who are from a minority group in Canada, it is of the utmost importance that we make sure that any section of this bill that might discriminate against those creators who use online platforms are taken out.

We're going to arrive at clause 4 very soon. If my colleagues are truly defending minority groups, I would encourage them to think very carefully and to act upon the words that Ms. Roy and other visual minority witnesses shared with us. It needs to be very clear that their right to these platforms and their ability to succeed within these platforms is protected—and that is to make sure that user-generated content is taken out.

• (1730)

The Chair: Thank you, Ms. Thomas.

Do I have anyone else wishing to speak to this?

There is nothing virtually either, so perhaps we can call the question on G-2.

(Amendment agreed to [*See Minutes of Proceedings*])

The Chair: Now we're going to CPC-4.

Mr. Nater.

Mr. John Nater: Thank you, Madam Chair.

I'm happy to move CPC-4 on behalf of the official opposition. I will speak very briefly to it.

It is in my name, but my colleague, Mr. Viersen, who is with us today, is the actual author of the next few amendments, so I will allow him to make a few comments on the substance of it.

CPC-4 reads that Bill C-11, in clause 3, be amended by adding after line 15 on page 5 the following:

"(3.1) Paragraph 3(1)(d) of the Act is amended by adding the following after subparagraph (iv):

(v) seek to protect the health and well-being of children by preventing the broadcasting to children of programs that include sexually explicit content, and

(vi) prevent the broadcasting of programs that include sexually explicit content depicting violence, sexism, racism, degrading treatment and torture;"

I am moving it, but I yield the floor now to colleagues, including Mr. Viersen.

Thank you, Madam Chair.

• (1735)

The Chair: Shall there be discussion on this?

Mr. Anthony Housefather: I could cede the floor to Mr. Viersen if he wants to go first. I don't mind if people don't mind.

The Chair: Certainly, Mr. Housefather.

Go ahead.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Thank you, Madam Chair.

I want to thank the committee for indulging me today as well.

This amendment goes to something that I have been working on since I've been elected, essentially trying to bring to light the situation of a company in Canada called MindGeek, which claims to be one of the largest Internet companies in the world. They have 4.5 trillion individual hits on their website every month. That's more than Google. That's more than Facebook combined.

If this bill is attempting to hold the web giants accountable, this kind of amendment is precisely what a bill that's seeking to hold web giants accountable ought to be doing.

This company, MindGeek, and its subsidiary, Pornhub, have recently been in the news as being extremely exploitative of both youth and women. This has been something that has been brought to the attention of the government. We have had an entire ethics committee study on this as well. Fourteen recommendations have come out of that ethics committee study. The report, I would point out, was unanimously adopted by the ethics committee.

One of those things would be to ensure that sexually explicit content isn't falling into the hands of children. That is what my amendment seeks to pursue, to get the CRTC to prevent that from happening.

The other thing that comes up often when dealing with the company MindGeek is just how racist and misogynist this company is, given the fact that they have entire genres dedicated to sexually explicit material that is specifically violent, specifically racist, specifically sexist, specifically degrading and specifically torture. These aren't things that are side issues. The content is explicitly for that very reason. These are genre topics that are pursued by this particular company. They are exploiting women and children in order to gain commercial interest in this and make money off of it.

I would suggest that these amendments would be a small step in the right direction. I look forward to having the support of this committee to get these amendments passed.

The Chair: Thank you, Mr. Viersen.

Mr. Housefather.

Mr. Anthony Housefather: Thank you so much, Madam Chair.

While I appreciate all the work that my colleague, Mr. Viersen, has done in this area, but this is somewhat funny in the sense that this entire discussion has been the Conservatives arguing that content is about to be regulated by the CRTC. This is introducing an amendment for content to be regulated by the CRTC. I can't even get over that. This is exactly what this amendment does.

It is saying that user-generated content should now be regulated to prevent children from seeing sexually explicit content, etc. Now, if we're talking about illegal content, there's another bill that hopefully will come forward shortly that will deal with illegal content, including the illegal content that may potentially be existing that's referred to in subparagraph (vi) here, but I don't believe that this is appropriate. This is actually asking the CRTC to get into content.

We have the Canadian Broadcast Standards Council that already deals with this type of issue. I don't think the CRTC needs to, and certainly not by introducing it to Bill C-11 and going into user-generated content.

I actually do not support the amendment and I would also note that, in terms of preventing the broadcasting to children of programs that include sexually explicit content, that's a question for parents to decide what their children can and cannot see if they're minors, not the government.

In any case, I don't support this amendment, and it really goes against everything the Conservatives have been saying at this committee for the last month.

Thank you, Madam Chair.

• (1740)

The Chair: Thank you, Mr. Housefather.

Mr. Julian.

The Clerk (Ms. Tina Miller): Madam Chair, Mr. Viersen has his hand raised.

The Chair: Mr. Viersen spoke. I have Mr. Housefather and Mr. Julian.

Mr. Viersen can speak after Mr. Julian.

Mr. Julian.

Mr. Peter Julian: Thank you, Madam Chair.

This is a serious subject and it needs to be taken seriously. I agree with Mr. Housefather that this would be the only part of Bill C-11 that actually prevents the broadcasting of programs. It is interesting, given what I've seen online from Conservative MPs railing against censorship, that there are no provisions in Bill C-11 that deal with censorship. This amendment, I would suggest of the four—there are three from Mr. Viersen and one from Mr. Nater—actually does prevent the broadcasting of programs.

I think, though, there is a welcome amendment. Given the concerns that are around both protecting children but also ensuring that the broadcasting of programs that are produced through sexual exploitation or coercion, that is something I think we do have to take into consideration. Mr. Nater and Mr. Viersen, between them, have produced four very similar amendments. Each one of them seeks to do the same thing but is worded differently. Obviously, we have to make a choice as members of this committee as to which approach we prefer.

I would set aside CPC-4, CPC-5 and CPC-6, which are very similar but have different wording. I would look at CPC-7, which reads:

(v) seek to protect the health and well-being of children by preventing the broadcasting to children of programs that include sexually explicit content, and

(vi) safeguard the human rights of women and marginalized people by preventing the broadcasting of programs that include pornographic material that is produced through sexual exploitation or coercion;

I will be voting down the other amendments. I will be voting for CPC-7. As I mentioned, each one of them is similar, but to my mind, CPC-7 is the best approach. It is important to note that this would be, if we pass this amendment, the only part of Bill C-11 that actually prevents broadcasting, that stops broadcasting.

It is ironic. We should note that the Conservatives are introducing the only amendment that prevents broadcasting, that censors broadcasting, in the entire Bill C-11. I certainly hope that Conservatives, if we adopt this amendment, will speak to that and say that they introduced the one portion of Bill C-11 that actually addresses the issue of preventing the broadcasting of programs, or censoring programs that are harmful. If Conservatives are being honest, they will say to the folks they are in communication with that they introduced the one element of Bill C-11 that prevents broadcasting.

In this case, I believe it is in the public interest, and I commend them for that. That's why I will be supporting CPC-7, which is the best of the four, and I will be voting against CPC-4, CPC-5 and CPC-6.

The Chair: Thank you, Mr. Julian.

Mr. Viersen has something he wants to say.

Mr. Arnold Viersen: I just want to thank Mr. Julian for his support for CPC-7. I would note this is not directed at user-generated content. This deals specifically with the broadcasters.

I spoke to this bill already—way back when it was Bill C-10—and repeatedly mentioned the fact that these are the things we're looking for in a bill like this, not “picking winners and losers”, which some other aspects of this bill do.

Thank you.

The Chair: Before we vote on this, I just want to let—

[*Translation*]

Mr. Martin Champoux: Madam Chair, we still have people who wish to speak.

[*English*]

The Chair: Yes, Mr. Champoux.

We have Mr. Champoux. Do we have somebody else?

• (1745)

The Clerk (Ms. Tina Miller): We have Mr. Coteau and Mr. Bittle, who raised their hands.

The Chair: Do we have Mr. Champoux, then Mr. Coteau and then Mr. Bittle?

Mr. Michael Coteau: Mr. Bittle will go first.

The Chair: Go ahead, Martin.

[*Translation*]

Mr. Martin Champoux: Madam Chair, I don't quite agree with my colleague Mr. Julian.

When we considered Bill C-10 last year, we had similar amendments that were outside the scope of the Broadcasting Act. I would have liked to hear Mr. Méla's opinion on this. Last year, we dealt with programs that depicted torture. In short, an issue had come up regarding the lack of respect for human rights.

In this case, we're obviously talking about controlling content, which I find rich coming from our Conservative colleague. While I understand the spirit and intent of the proposal, which comes from a good place, I don't feel we can begin to determine what constitutes sexually explicit content. Access to that type of content is also a parental responsibility. The committee would be going far beyond its mandate if it began to regulate content of that type.

With respect to content produced and distributed on pornographic platforms, including those owned by MindGeek and referred to by Mr. Viersen, Canada already has laws in place to prevent the exploitation of children, women and more vulnerable individuals. Another category of laws deal with that. It is not our place to interfere with that. I believe everyone agrees on that.

In short, the intentions are good, but this has no place in the bill we're considering at all. That's why I'll be voting against these amendments.

[*English*]

The Chair: Thank you, Mr. Champoux.

Go ahead, Mr. Coteau.

Mr. Michael Coteau: Do you want to go first?

Mr. Chris Bittle: You can go first.

Mr. Michael Coteau: I have a quick question for the movers, if possible. It captures CPC-4, CPC-5 and CPC-6. I understand what's trying to be accomplished here.

I'll pick out the racism piece. It says, in all three, that they will look for ways.... You're going to prevent the broadcasting of pro-

grams that display any type of racism, for example. How do you prevent racism by not broadcasting racism? For example, what about a news story? If there is an act of racism, can you not say so on the news anymore? I just want to get some clarity on that, because I don't know how you prevent these things without talking about these things.

I don't know whether I can ask the movers a question. Perhaps it's just a statement.

The Chair: Mr. Viersen, would you like to respond to Mr. Coteau?

Mr. Arnold Viersen: Yes.

What I've attempted to do is put in sexually explicit content that depicts racism. There are complete genres of sexually explicit content, where the very idea is about being racist. That's what we want to prevent from being broadcast—not that there is no racism. The sexually explicit content is the first indicator, and the very fact of that being tied.... For example, currently, regarding searches for Ukrainian women, in particular, there is a 600% increase in that search, suddenly. That is the type of thing we are trying to prevent from being broadcast: sexually explicit content whose reason for existence is to fuel a racist desire.

That's why I have four different versions of this, trying to capture.... It's a difficult thing to capture in language, but that's precisely what I'm after.

Mr. Michael Coteau: Could I continue, Madam Chair, if I still have the floor?

The Chair: Yes. Go ahead.

Mr. Michael Coteau: Thank you.

How do you prevent a news story from being told that includes this kind of content if something bad happens?

Mr. Arnold Viersen: Yes. A news story wouldn't be sexually explicit material. It's a news broadcast.

Mr. Michael Coteau: The description would be.

Mr. Arnold Viersen: What do you mean “the description”?

Mr. Michael Coteau: If they were describing something that took place that was wrong and they described it....

• (1750)

Mr. Arnold Viersen: Perhaps what we should use, then, is the one that says “pornographic material”, because “pornographic material” is very well understood in Canadian law. I think “sexually explicit material” is understood as well, but the nightly news is not defined in Canadian law as being “pornographic material”—

Mr. Michael Coteau: Right.

Mr. Arnold Viersen: It's the nightly news. That's the identifier. Preventing the broadcast of that particular material that is to fulfill a racist desire, that is what we're trying to attempt.

Mr. Michael Coteau: Okay.

My second question may be more for our folks here who are helping us. Again.... Do you know what? I'll wait until CPC-7. I have a question specifically on that, so I'll stop here.

Thank you.

The Chair: As we speak about CPC-7—before I go to Mr. Bittle—I just wanted to point out to the committee that there is a section, a subparagraph (v) that is identical in CPC-4, CPC-5, CPC-6 and CPC-7. If one amendment is adopted—let's say that CPC-4 is adopted or CPC-7 is adopted—the others will have to be moved without that paragraph. I just wanted everyone to know about that.

Go ahead, Mr. Bittle.

Mr. Chris Bittle: Thank you.

I kind of just did want to point out the irony of Mr. Viersen's statement—and to paraphrase him—that platforms are in and users are out. Only platforms have obligations under these sections, and I think there has been a lot of derision of the minister, but we're hearing that today. I don't want to repeat what Mr. Housefather has gone through, but I agree with him that this is the only provision of the bill that is engaging in censorship.

Though I respect Mr. Viersen, who has worked very hard on this, going back to the 42nd Parliament and his work through various in-

ternations, this is probably something that's better dealt with in future legislation, which is in the minister's mandate letter for online harms.

I know that Ms. Thomas has brought a study to look at that as well, and it's something we really need to address, but I don't think this is the right spot to do it.

The Chair: Thank you, Mr. Bittle.

I hope everyone notes this.

I am not seeing anybody else with their hand up. Is there anybody we're missing? No.

I'd like to call the vote on CPC-4.

(Amendment negatived: nays 7; yeas 4)

The Chair: I would like to point out that we have two minutes left for the hard stop at six o'clock. There needs to be a 30-minute break for the support staff to the committee.

Before we move to the others, which we can come back to, I would like to entertain a motion to adjourn.

I now call this meeting adjourned.

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