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Standing Committee on Canadian Heritage

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• (1300)

[English]

The Vice-Chair (Mr. Kevin Waugh (Saskatoon—Grasswood, CPC)): I call the meeting to order.

Good afternoon, everyone.

I'm filling in for our chair, Dr. Fry, who is not with us this Friday. For the next two hours, you're stuck with me as the vice-chair. Thank you very much, everyone.

Welcome to meeting number 56 of the House of Commons Standing Committee on Canadian Heritage. First off, I would like to acknowledge that this meeting is, in fact, taking place on the unceded traditional territory of the Algonquin Anishinabe people.

Pursuant to the order of reference adopted by the House on Tuesday, May 31, 2022, the committee is resuming clause-by-clause consideration of Bill C-18, an act respecting online communications platforms that make news content available to persons in Canada. Today's meeting is taking place in a hybrid format, pursuant to the House order of Thursday, June 23, 2022. Members are attending in person in the room and remotely, as we see them on the Zoom application.

I would like to make a few comments for the benefit of witnesses and members. Please wait until I recognize you by name before speaking if you can. For those participating by video conference here this afternoon, as you know, click on the microphone icon to activate your mike, and please mute yourself when you're not speaking.

Interpretation is available for those on Zoom. You have the choice, at the bottom of your screen, of either “floor”, “English” or “French”. For those in the room, you can use the earpiece and select the desired channel.

I remind everyone that all comments should be addressed through the chair.

In accordance with our routine motion, I am informing the committee that all witnesses are present here this afternoon; therefore, no connection tests in advance of the meeting were required.

I would now like to welcome the witnesses, who are present to answer any technical questions we have about our Bill C-18 today.

I'd like to welcome, from the Department of Canadian Heritage, as always, Owen Ripley; Joelle Paré, acting director; and Pierre-Marc Lauzon. Thank you very much for joining us.

With us, as usual, is the committee clerk, Ms. Belmore. We also have the legislative clerks today. They are Philippe Méla and Jean-François Pagé.

That's everyone in the room.

Marion, you're at the back there. Thank you for also joining us here today.

We were waiting for Mr. Shields. He is on now.

We'll start where we left off on Tuesday, which was at amendment CPC-12. That's by Mrs. Thomas. Perhaps she could lead us. That's on page 18 for everybody. It's clause 7 on page 4.

Mrs. Thomas, lead us off on amendment CPC-12.

• (1305)

Mrs. Rachael Thomas (Lethbridge, CPC): I'm sorry, Mr. Chair, but I need just one moment here.

The Vice-Chair (Mr. Kevin Waugh): While you're taking a moment, is there French translation? We've had some issues in the past. Are we okay on the French translation? Is everybody good if I keep talking? In some of our meetings, we have started and then we have had an issue. I just want to make sure.

Go ahead, Mr. Champoux.

[Translation]

Mr. Martin Champoux (Drummond, BQ): Thank you, Mr. Chair.

We need to ask our interpreters to ensure that the equipment and sound quality are adequate. I can hear the interpretation right now, so I assume everything is working.

The interpreters are signalling to us that everything is in order.

Thank you.

[English]

The Vice-Chair (Mr. Kevin Waugh): Yes, that's good.

Mrs. Thomas, are you ready for amendment CPC-12?

Go ahead.

Mrs. Rachael Thomas: Sure. Thank you for giving me a moment, Mr. Chair.

With regard to amendment CPC-12, really what we're trying to do here is to ensure that individual privacy is respected.

A DNI—a digital news intermediary—such as Facebook, for example, collects individual user data, and that is used and held within the confines of existing legislation within the jurisdiction in which they operate.

This amendment, CPC-12, would simply be asking for further clarification with respect to privacy protection. It's basically making sure that when a DNI has to provide information to the commission, that information will be disclosed with the exception of individual information. In other words, privacy will still be respected. Data ownership will still be protected in accordance with any other act of Parliament or any other law. It's simply for the sake of further clarity and protection for everyday online users. That's ultimately what we're going for there.

The Vice-Chair (Mr. Kevin Waugh): Mr. Bittle, go ahead.

Mr. Chris Bittle (St. Catharines, Lib.): Thank you so much, Mr. Chair.

Ultimately, restricting the ability of the CRTC to collect information only benefits the platforms and foreign technology giants. They could easily withhold necessary information. That's with regard to the purposes of the legislative objectives.

Thank you, Mr. Chair.

The Vice-Chair (Mr. Kevin Waugh): Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Thank you.

I would ask the officials for some further information.

The legislation as it's currently written doesn't offer this confinement as to what information could be demanded of these DNIs.

In your estimation, then, is that quite a wide berth? Is there anything in there that would protect the privacy rights of individuals and make sure the information of an individual user—let's say, of Facebook—would in fact be protected and not called for by the commission?

Mr. Thomas Owen Ripley (Associate Assistant Deputy Minister, Cultural Affairs, Department of Canadian Heritage): Thank you for the question and the comments, MP Thomas.

I have a couple of observations.

With respect to the first part of your question, the CRTC has the authority to ask for information it requires in the administration of the act. Its authority is bound by information that it needs to administer the act. The CRTC would be acting outside of its authority if it tried to request information not related to the administration of the act.

There are, indeed, other federal frameworks governing privacy—the PIPEDA legislation, and the Privacy Act with respect to the public sector—so the CRTC remains bound by those frameworks and those obligations.

With respect to what would be characterized as more confidential business information, as you may know, the act does provide for an opportunity at clause 55 for information that is submitted to the commission to be classified as confidential. There's a framework in place for how that information could be managed.

From my perspective, that's the lay of the land with respect to privacy.

• (1310)

Mrs. Rachael Thomas: Thank you. I appreciate that.

My follow-up question would be this: Currently, as it stands, are there limitations as to what the CRTC can request? If it considers information to be pertinent to this act, can it ask for it, or are there any limitations on the request that can be made?

Mr. Thomas Owen Ripley: Again, it's as long as the CRTC is of the opinion that it is necessary for the administration of the act.

A reasonable hypothetical in this kind of situation might be about the number of Canadian users that a digital news intermediary has in Canada. The digital news intermediary remains bound by PIPE-DA and any obligations in that respect, and then the CRTC would remain bound by the legislation governing the public sector. In that instance, for example, I would see no reason that you would have individual personal information submitted to the CRTC. Maybe you would at the aggregate level, but regardless, the CRTC remains bound by the broader framework governing privacy.

The department did have the opportunity to do some consultations on the privacy questions. The assessment was that there were minimal implications with respect to personal information.

Mrs. Rachael Thomas: You used the phrase “minimal implications”, which means there are still some. Can you expand on that? What are the privacy infringements within this?

Mr. Thomas Owen Ripley: Again, Mrs. Thomas, for the purposes of administering the act, from where we sit, the information that would be provided to the CRTC would be in the aggregate. I see no reason that there would be the submission of personal information.

The Vice-Chair (Mr. Kevin Waugh): Ms. Gladu, go ahead, please.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you, Chair. I'm not sure if our witnesses can answer this question.

I haven't had a lot of involvement with the CRTC. Do they have any history of data privacy breaches? I know there have been thousands of them in government, but I don't know anything about the CRTC. Are they fairly secure?

Mr. Thomas Owen Ripley: Thank you, Ms. Gladu.

Offhand, I am not aware. That would be a question you would have to ask the CRTC in particular.

What I would say is that the mechanism that's provided for in this piece of legislation is modelled on existing mechanisms in the Broadcasting Act as well as the Telecommunications Act, in which it is recognized that sensitive information is sometimes provided to the CRTC as the regulator to enable it to carry out its functions, and that this information should be protected accordingly. Only in very limited situations should there be any kind of public disclosure about it, subject to a public interest test.

Again, it's clause 55 of this bill. You see that framework set out, which again is modelled on existing frameworks under the Broadcasting Act as well as the Telecommunications Act.

The Vice-Chair (Mr. Kevin Waugh): Are there any other questions?

Seeing no other hands, can we proceed to the vote?

Shall CPC-12 carry?

(Amendment negatived: nays 7; yeas 3 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): Shall clause 7 carry?

(Clause 7 agreed to: yeas 7; nays 3)

The Vice-Chair (Mr. Kevin Waugh): Shall clause 8 carry?

(Clause 8 agreed to: yeas 7; nays 3)

The Vice-Chair (Mr. Kevin Waugh): Shall clause 9 carry?

(Clause 9 agreed to: yeas 7; nays 3)

● (1315)

Shall clause 10 carry?

An hon. member: On division.

The Vice-Chair (Mr. Kevin Waugh): Could we have another recorded vote, please?

(Clause 10 agreed to: yeas 7; nays 3)

(On clause 11)

The Vice-Chair (Mr. Kevin Waugh): We'll move now to amendment CPC-12.1.

Go ahead, Mrs. Thomas.

● (1320)

Mrs. Rachael Thomas: Thank you so much, Chair.

Essentially what amendment CPC-12.1 attempts to do is bring about some further clarification or simplification within the definition. Clause 11, of course, has to do with the exemption order. It's essentially trying to—

Mr. Chris Bittle: On a point of order, Mr. Chair, I apologize to Mrs. Thomas, but is amendment CPC-12.1 before clause 11?

We just passed clause 10.

Mr. Philippe Méla (Legislative Clerk): We're on amendment CPC-12.1 to clause 11.

Mr. Chris Bittle: It's clause 11. My apologies.

The Vice-Chair (Mr. Kevin Waugh): Okay.

Continue, Mrs. Thomas.

Mrs. Rachael Thomas: Thank you.

All right. We are on clause 11, to be clear. Clause 11 has to do with granting an exemption order. It establishes criteria that have to be met by the DNIs in order to be exempt from having this legislation further apply to them. Here we see a number of criteria established. Our attempt here, then, is to clarify and simplify. It is also to, I suppose you could say, set some parameters with regard to this exemption order or these criteria.

I'll draw people's attention particularly to paragraph (b), which is to delete lines 16 and 17 on page 5. Those lines were about any condition being set out in regulations made by the Governor in Council. As Mr. Ripley pointed out a number of meetings ago, the Governor in Council essentially refers to cabinet, so what this is saying is that if there are any conditions whatsoever that are set out by cabinet in regulation, then those can be used in order to grant an exemption.

Stakeholders have said that this is quite vague. It's leaving them with significant uncertainty. There are concerns on both sides, from DNIs and from eligible news businesses. They want to know those terms up front. Obviously news businesses are interested because they want to make sure that they get a fair shake. DNIs are interested because they want to know to what extent they have to bargain and at what point they can reasonably apply for an exemption.

There's clarity desired on all fronts. Further, from us, clarity is desired just because we believe it's good public policy.

To leave this so vague with regard to any condition set out in regulation made by the Governor in Council just seems far too open-ended and therefore problematic for stakeholders. It's very difficult then for them to form a business model or any sort of anticipation with regard to this legislation and what it would fully mean for them.

We are looking to bring about further clarity there. I can probably leave that there for now.

Thank you, Chair.

The Vice-Chair (Mr. Kevin Waugh): Go ahead, Mr. Bittle.

Mr. Chris Bittle: I'll pass it over to Mr. Housefather.

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

I have just a couple of questions. I'm having a bit of trouble following this. As I read the amendment, it says:

(a) by replacing lines 22 to 24 on page 4 with the following:

“requests the exemption and the operator has entered into agreements with”

and it basically changes the words “and the following conditions are met” to be “and the operator has entered into agreements with”, but then the rest remains the same. There's nothing I see that says they're deleting line 25 and what follows. I'm just a bit confused as to how that actually works.

• (1325)

Mrs. Rachael Thomas: Is it okay if I respond?

Mr. Anthony Housefather: Of course. I just want to understand how you see the wording actually working and flowing from one to the other.

Mrs. Rachael Thomas: You're right in pointing out the first change there, to lines 22 to 24. We've made a small change there. Then if you keep going, it's on the next page—page 5—in the legislation. There's paragraph 11(1)(b) under clause 11. That paragraph 11(1)(b) is the one that allows for any condition to be set out by the Governor in Council. We're striking that.

Mr. Anthony Housefather: I'm sorry for the back-and-forth. I understand that. I'm just wondering how the words flow from one to the other.

Does “(a) the operator has entered into agreements with” stay, or does paragraph (a) in the amendment somehow takes part of that first line? That's what I don't understand.

The way it is worded now, we're taking away the words “and the following conditions are met”, so in paragraph 11(1)(a), subparagraphs (i), (ii), (iii), (iv), (v) and (vi) would stay. Now, as I understand it—but I'm probably wrong—it would say “requests the exemption and the operator has entered into agreements with” and then “(a) the operator has entered into agreements”. That's what I don't understand. How do they flow together?

Mrs. Rachael Thomas: I don't know if I understood your question.

Mr. Anthony Housefather: That's what I don't understand, if you look at it.

The Vice-Chair (Mr. Kevin Waugh): Our legislative clerk, Mr. Méla—

Mr. Anthony Housefather: No worries. I just don't know.

The Vice-Chair (Mr. Kevin Waugh): —maybe could address some of the concerns we have with amendment CPC-12.1.

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Chair.

I think I understand what you're saying, Mr. Housefather. It's more a drafting question than a legislative clerking question, so to speak.

There is the end of the top part of subclause 11(1), which says, “the following conditions are met”, and there's a colon there, and then there are paragraphs 11(1)(a) and 11(1)(b). Those would disappear.

It would then read, “if its operator requests the exemption and the operator has entered into agreements with news businesses”, and then it would go on. So the paragraph 11(1)(a) disappears completely there—the colon and the “met”. There's no paragraph 11(1)(a) and 11(1)(b) anymore. It would be just one full paragraph.

I'm not sure if that was your question.

Mr. Anthony Housefather: If that's how it would be worded, I understand it better. Thank you. I still don't think it's good, but I understand it better.

The Vice-Chair (Mr. Kevin Waugh): Mr. Housefather, you still have the floor.

Mr. Anthony Housefather: I'm good.

The Vice-Chair (Mr. Kevin Waugh): Okay. We'll move to Mr. Bittle.

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

We heard from experts like Professor Owen that the exemption criteria set out in the bill are the primary policy tools in play for Bill C-18. They ensure that smaller players would benefit and they ensure that the deals would not allow corporate influence over news coverage.

This amendment takes away from that, and once again we see the Conservatives presenting what seems like a reasonable amendment but one that again takes the side of big tech over Canadian news organizations.

Mrs. Rachael Thomas: Mr. Chair, I'm sorry, but I couldn't make out the very first premise of Mr. Bittle's statement, so I lost the context for the entire thing.

The Vice-Chair (Mr. Kevin Waugh): Okay. Go ahead, Mrs. Thomas. Then we'll go to Ms. Gladu.

Mrs. Rachael Thomas: Can he just clarify? He said that the entire legislation was subject to something and therefore....

Mr. Chris Bittle: I did not say that.

The Vice-Chair (Mr. Kevin Waugh): Do you want to repeat what you said, Mr. Bittle?

Mr. Chris Bittle: I do not really, but to help with the Conservative filibuster, I guess I'll....

The Vice-Chair (Mr. Kevin Waugh): There's no filibuster.

Mr. Chris Bittle: I am put on the spot.

I was just quoting from Professor Taylor Owen about how the exemption criteria are—

I'm sorry. I'm just seeing the lights flash.

The Vice-Chair (Mr. Kevin Waugh): They are.

Mr. Chris Bittle: The exemption criteria set out in the bill are some of the primary tools of Bill C-18. That's the premise.

The Vice-Chair (Mr. Kevin Waugh): Okay. I want to go to Ms. Gladu and then Mrs. Thomas.

Ms. Gladu, your hand was up first.

Ms. Marilyn Gladu: Thank you, Chair.

I just want to say that I support this amendment because I think people do not want the government, after the fact and with no parliamentary oversight, deciding what to put in the regulations to exempt people from this framework. I think we need to have transparency about it.

Taking out paragraph 11(1)(b) leaves the rest of it really clear about what the terms are.

• (1330)

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll go to Mrs. Thomas.

Mrs. Rachael Thomas: Thank you.

Let's be really clear here. I recognize that the members opposite enjoy launching baseless attacks against this side of the table. Allowing for paragraph 11(1)(b) to remain in there, such that it would be up to the cabinet to determine "any condition" to be applied with regard to an exemption, would actually put news businesses in danger, because they wouldn't know under what conditions DNIs could move forward with an exemption.

Those conditions could be, for example, that the CBC had entered into a negotiation or Bell had entered into a negotiation or any of these big companies had entered into negotiations, so therefore an exemption would be granted. How would that help ethnic media? How would that help our local newspapers? Allowing this paragraph to stay in there and allowing for such vague criteria to be implemented by cabinet actually puts the little guys in danger.

Let's be really clear about what's going on here. It allows for this government to show favouritism towards the big media companies that push out their story and it puts the little guys in danger, because they could be prevented from entering into negotiations with DNIs because DNIs could be granted the exemption.

The Vice-Chair (Mr. Kevin Waugh): Are there any other comments?

Seeing none, we'll proceed with the vote on amendment CPC-12.1.

(Amendment negatived: nays 7; yeas 3)

The Vice-Chair (Mr. Kevin Waugh): Thank you. Amendment CPC-12.1 is defeated.

We will move to amendment NDP-4.

Mr. Julian, before you get started, I'll say that if amendment NDP-4 is adopted, amendment CPC-13 cannot be moved due to a line conflict.

The floor is yours, Mr. Julian.

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you very much, Mr. Chair. It's good to see you in the chair with us.

I disagreed with the form, the content, of the CPC amendment. I did agree with the thrust of Mrs. Thomas's argument, which is that we need to make sure there are very clear criteria in terms of granting exemptions.

On amendment NDP-4, you'll recall that our testimony with respect to any independent online news publishers of Canada was very clear in this respect. The current criteria for laying out exemptions are too vague and really leave the door open for big tech to push hard for an exemption when they haven't completed negotiations.

What amendment NDP-4 proposes is that clause 11 would be amended to ensure that deals must be made with all eligible news organizations before the platforms would be granted an exemption. That would ensure, with the window of opportunity that's provided, that eligible news organizations can identify themselves and that big tech does have to make that negotiation.

Then Mrs. Thomas asked the rhetorical questions about ethnic media, small media and those that big tech may not choose to negotiate with. Amendment NDP-4 resolves that question by ensuring that all of the eligible news organizations need to have those agreements before big tech can apply for the exemption. Hopefully it will receive support from all four corners of this committee and it will help to tighten the rules around exemptions.

• (1335)

The Vice-Chair (Mr. Kevin Waugh): Go ahead, Mr. Bittle.

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

With respect to my friend Mr. Julian, I appreciate what he's trying to do. However, I worry that this may undermine the bill. Given the tactics of foreign tech giants, they will look for any way in which to avoid the requirements. If there is just one hold-out media outlet... We've seen some media outlets that don't agree with this and may not even bother applying.

On the exemption itself, the purpose of the bill is to have platforms reach deals with news organizations themselves—

Mrs. Rachael Thomas: [*Inaudible—Editor*]

Mr. Chris Bittle: Pardon me?

Mrs. Rachael Thomas: It's an internal thought.

Mr. Chris Bittle: It's internal thought.

Here's the ironic thing, to anyone listening. Mrs. Thomas just engaged in a heckle. She likes to attack everyone's credibility and then cry foul when there's a perceived attack on her credibility, which there never is. There's a high amount of respect on this committee, except for one member of this committee who continuously engages in personal attacks.

That said, some parties already have deals and don't want to renegotiate or go through arbitration. However, this amendment would undermine the exemption mechanism by removing the initiatives for platforms to seek an exemption. It instead would incentivize platforms to go through the bargaining process, through which they would likely delay for as long as possible through legal challenges and procedural methods. While we understand the intent, it will only benefit the tech platforms with money and resources to drag this process out as long as possible.

Exemptions were a key element of the Australian law. In Australia the addition of the exemptions process addressed the concern about platforms that would remove or threaten to remove news content. By undermining it, as I said, we jeopardize the bill. A better outcome could be achieved through collective bargaining. I know that Mr. Julian is a big champion of that in this bill and in other fora as well. That is the way to get as many outlets together as possible.

We've heard from the major players that they are willing to collectively bargain with smaller players, and that is the best way to get as many deals as possible. In the end, my worry is that requiring all of them is a loophole that will serve the foreign tech giants.

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Bittle.

We'll go to Mrs. Thomas and then Mr. Housefather.

Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Thank you.

I support this amendment in principle. I will offer a subamendment, though.

Essentially, this bill is that DNIs have to enter into negotiations with eligible news businesses. This amendment makes sure that if there are 20 lined up to bargain with the DNIs, all 20 have to be bargained with before an exemption can be granted.

I fail to understand how that is benefiting big tech. Everyone lined up and everyone wanting to enter into negotiations gets to enter into negotiations. That's favouring the little guy. That's advocating for them.

I guess I'll ask Mr. Ripley a question for clarification.

Is allowing all eligible news media sources to enter into negotiations with DNIs before an exemption can be granted leaving some eligible news businesses out of the picture?

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

If this amendment were to be adopted, it would in essence require platforms, as you indicate, to come to an agreement with all eligible news businesses prior to getting an exemption. It would be a major departure from the way the bill is currently structured. The bill right now is intended to put in place a bargaining framework, and through the exemption criteria indicate that a certain threshold must be met in order for DNIs to get an exemption.

The intention behind that was to put in place an incentive for DNIs to want to get an exemption. That was very much modelled on the Australian experience, where the goal is not to actually rely on the back end of this bill in terms of mandatory bargaining and final offer arbitration. In that context, in the context of a bargaining framework, it is understood that there could be news businesses that do not have an agreement in place with a DNI, because the exemption criteria could be met.

One observation is that if you go the route of requiring an agreement with every single news business in order to have an exemption, it is unclear to us whether any DNI would actually pursue an exemption at that point, because it's not clear whether there's really

an incentive structure to do so: Why not simply rely on the mandatory bargaining framework at the back of the bill?

• (1340)

Mrs. Rachael Thomas: I have a further question, Mr. Ripley, in terms of the exemption order.

If our goal is ultimately to allow these smaller entities—local newspaper entities, ethnic media entities, etc.—the opportunity to enter into negotiation, what benefit does the exemption order have to the news businesses?

Mr. Thomas Owen Ripley: The government shares that objective in that a DNI should not be able to get an exemption without having agreements in place with small independent players.

In terms of the government's position, if you look at the exemption criteria, you will see that there are strong markers put there about the importance, under subparagraph 11(1)(a)(ii), of supporting the production of local news content. Subparagraph 11(1)(a)(v) is really a critical one for independent local news businesses in that “a significant portion” of them have to benefit from the agreements and that the benefits have to “contribute to the sustainability of those businesses”. Then, in subparagraph 11(1)(a)(vi), again, you see reference to “a range of news outlets”, including local news and different kinds of business models.

All of this is to say that the government does share that objective. These agreements need to be diverse. They cannot be simply with a small group of consolidated players but have to be put in place with independent local news businesses.

Mrs. Rachael Thomas: Thank you, Mr. Ripley, but my question was this: How does the exemption benefit these smaller news outlets? How does it defend their ability to enter into negotiations?

Mr. Thomas Owen Ripley: In short, the bill is about putting that obligation on platforms to bargain. Then the exemption criteria benefit independent local news businesses by saying that in the context of that bargaining obligation, some of that bargaining has to be with them. When the CRTC looks at all of the agreements that are being brought forward to justify an exemption, again, they have to see that “a significant portion of independent local news businesses benefit from” those agreements, and that it contributes to their sustainability.

Again, the intention behind the exemption process was not that every news business be entitled to an agreement but that there be certain discretion left to the free market for the DNIs and the news businesses to determine that. At the end of the day, the CRTC assesses whether enough has been done in relation to these criteria.

Mrs. Rachael Thomas: I would put forward a subamendment to my colleague's amendment. I wonder if he would accept this.

I move that we take paragraph (b) from CPC-13, which replaces line 32 on page 4 to line 17 on page 5 with the text outlined in CPC-13, and add it in with NDP-4.

• (1345)

Mr. Peter Julian: Mr. Chair, I'm a little lost here.

The Vice-Chair (Mr. Kevin Waugh): Do you have that in writing, Mrs. Thomas?

Mrs. Rachael Thomas: I believe the legislative clerk and the officials should have CPC-13 in front of them.

What I'm asking is that we take paragraph (b) from CPC-13 and add it to the latter part of NDP-4.

It's of course up to you, Chair, but if it's of benefit, I would entertain a quick suspension and have a quick conversation with my NDP colleague.

The Vice-Chair (Mr. Kevin Waugh): We'll suspend for a couple minutes, then. Is that fine?

Mrs. Rachael Thomas: Yes.

The Vice-Chair (Mr. Kevin Waugh): Good.

We'll suspend.

• (1345)

(Pause)

• (1350)

The Vice-Chair (Mr. Kevin Waugh): I will resume the meeting.

I will ask Mr. Méla, the legislative clerk, to go over the subamendment.

Mr. Méla, can you inform us of the new text?

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

As Mrs. Thomas was explaining, the subamendment would simply add paragraph (b), located in CPC-13, which contains the instruction to replace line 32 on page 4 to line 17 on page 5 with the text that's provided in CPC-13.

That comes with the following consequence. If NDP-4 is adopted, then CPC-13, G-1, NDP-5, CPC-13.1, NDP-6, NDP-7, PV-2, NDP-8 and CPC-13.2 could not be moved due to line conflicts.

The Vice-Chair (Mr. Kevin Waugh): Is there any discussion on the subamendment?

I see no other hands up.

Shall the subamendment proposed by Mrs. Thomas carry?

(Subamendment negatived: nays 7; yeas 3 [See *Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We will go back to NDP-4.

On the speaking list we have Mr. Housefather.

• (1355)

Mr. Anthony Housefather: Thank you very much, Mr. Chair.

I hope I will have the opportunity to convince my dear friend Mr. Julian that this is not the best-advised amendment. I think it comes from a very good place, in the same way that I think CPC-12.1 came from a good place. I was actually more inclined to support CPC-12.1 than I am to support this one. I think both, in a certain way, would have caused problems with respect to the regime, but this would cause many, many more problems.

We have to look at this holistically. What is the definition of "eligible"? In relation to a news business, "eligible" means that the business is designated under subclause 27(1). A "news business" means an individual or entity that operates a news outlet.

Let me just move to subclause 27(1), Mr. Chair, which states:

At the request of a news business, the Commission must, by order, designate the business as eligible if

Then it comes out with various criteria.

[*Translation*]

If we pass amendment NDP-4, it's tantamount to saying that all businesses must enter into agreements with platforms. However, for whatever reason, a business might be reluctant to do that. A business might decide not to negotiate an agreement. Businesses could object to doing it, but use subsection 27(1) to be recognized as eligible, then say they won't bargain.

A business owner acting in bad faith could take advantage of all this and asked that their business be recognized as eligible, but then block everyone from entering into agreements or from being recognized because they won't bargain in good faith.

I don't believe we can pass amendment NDP-4 if we don't substantially amend the act to ask or require that everyone bargain in good faith, and that no business may ask to be recognized under subsection 27(1) unless they intend to enter into agreements that currently do not exist.

Legally or judicially speaking, I'm not even sure we can say there will be businesses recognized in the

[*English*]

tax act or the Canada Revenue Agency Act as a non-profit or journalistic body that would not fall there. Then you would be saying that they would have to also get an agreement, even though they never voiced their intention to get an agreement.

The word “all” scares me a lot. I don't know how that could be modified or whatever, but I think it would require many other modifications to make it work with the regime in the form that it is now, because we certainly don't want one bad actor to block the desire of the platform from reaching agreements with everybody at the DNI and have everybody negotiating in good faith. If they come to terms with 90%, well, they should be recognized, I think, because it probably means that the other 10% weren't negotiating on fair terms or in good faith, so that scares me.

I understand the desire to have all small businesses captured and taken care of, but I don't think that saying “all” is the way to go.

I'm hoping that perhaps I convinced my friend Mr. Julian.

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Housefather.

Go ahead, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: I already got the answers I needed, Mr. Chair.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Ms. Gladu, you have the floor.

Ms. Marilyn Gladu: Thank you, Chair.

Respecting what Mr. Housefather just said, I'd like to propose a subamendment so that NDP-4 would be “all eligible news businesses that want to negotiate in good faith and operate news outlets that....”

The Vice-Chair (Mr. Kevin Waugh): Okay, we'll just check with Mr. Méla here as he's writing it down.

Do you want to repeat that again, please, Ms. Gladu?

Ms. Marilyn Gladu: Yes.

NDP-4 would become, “all eligible news businesses that,” and we would add in the words, “want to negotiate in good faith and,” and then continue with NDP-4, “operate news outlets that....”

• (1400)

The Vice-Chair (Mr. Kevin Waugh): Is there any discussion on the subamendment?

Go ahead, Mr. Housefather.

Mr. Anthony Housefather: I see the good place that my dear friend Ms. Gladu is coming from on that, because she's trying to fix a problem in the section.

I'm not sure that the fact that they just want to negotiate in good faith.... They would have to negotiate in good faith, but even then I'm not sure, because it would have to be fixed in other places in the bill too. I haven't had a chance to look at it to see where else it would need to be fixed, so I don't think that solves it by itself, but I appreciate the attempt, because it certainly would make it better. I just don't think it solves the problem.

The Vice-Chair (Mr. Kevin Waugh): Go ahead, Mr. Julian.

Mr. Peter Julian: Thanks, Mr. Chair.

I'm not speaking specifically to the subamendment; I'm coming back to the amendment itself. I have enormous respect for Mr. Housefather. I feel he's a tremendously learned member of the committee, but I do not buy his argument, despite that it is very effectively put forward.

In the examples we've seen—for example, in the Australian example—you don't have news organizations working in bad faith. What we do see is a real attempt by big tech to look for exemptions.

I don't want to filibuster this. We have so many other amendments to work through that I'm not going to intervene again on this one, but I would say that the amendment that was proposed in the testimony from the independent online news publishers of Canada is an effective amendment. I do not buy the argument that somehow news organizations will operate in bad faith. That's certainly not the track record we've seen from the Australian model.

I think the online news publishers of Canada are making a huge difference in my community. I'll just mention this, Mr. Chair. We went from four community newspapers to two, devastated by the amount of ad revenue that was taken by Facebook and other digital news intermediaries. The independent online news publishers of Canada have re-established two of those, so we've seen a doubling of the local news that is produced.

I'll give a shout-out to the Burnaby Beacon and the New Westminster Anchor, two publications that are making a difference in our community.

I think that the idea that big tech has an incentive to negotiate with all eligible news businesses is a good one. There are a wide variety of subamendments we could propose to solve a problem that I don't believe is a legitimate one, certainly based on the Australian model. I think this is a legitimate amendment, but we will see how the committee feels, and I think we should move fairly rapidly to a vote.

I did not intend at all that this become an amendment that we would spend a lot of time on. I think the positions of each of the parties is already well known.

The Vice-Chair (Mr. Kevin Waugh): Is there any other discussion on the subamendment by Ms. Gladu?

Seeing none, I would like to call the vote.

(Subamendment negatived: nays 7; yeas 3 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We will go back to the main amendment, which is NDP-4. I will give Mr. Julian the final word.

Again, if we adopt NDP-4, CPC-13 cannot be moved due to a line conflict.

Mr. Julian, go ahead and address NDP-4.

• (1405)

Mr. Peter Julian: I have a couple of times, Mr. Chair. I don't intend to do it a third time.

I do want to thank the independent online news publishers of Canada for their valuable input in the testimony they gave to this committee.

The Vice-Chair (Mr. Kevin Waugh): Thank you very much.

Shall NDP-4 carry?

(Amendment negatived: nays 6; yeas 4 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll move on to CPC-13. Before we get to Mrs. Thomas, I will inform you that if CPC-13 is adopted here, G-1, NDP-5, CPC-13.1, NDP-6, NDP-7, PV-2, NDP-8 and CPC-13.2 cannot be moved due to line conflicts.

The floor is yours, Mrs. Thomas, on CPC-13.

Mrs. Rachael Thomas: Thank you.

Essentially, CPC-13 tries to take NDP-4 and combine it with a few other things. Basically, the deal is that clause 11 deals with exemption orders. With this amendment, we're wanting to ensure that digital news intermediaries have to enter into negotiation with those who wish to without certain eligible news businesses being left out.

Basically, it's a mechanism of inclusion and wanting to ensure that those smaller entities that were left out by legislation such as Australia's are not left out by Canada's legislation. Essentially, it's fighting for a fair playing field for all news outlets.

That is it.

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mrs. Thomas.

Mr. Julian, the floor is yours.

Mr. Peter Julian: Thank you, Mr. Chair.

As you mentioned, since a number of amendments would fall if this amendment is passed, because it is so comprehensive, I'll be voting against it. I think we have to address a number of other critical issues in clause 11.

This particular amendment, though authored in good faith, is so comprehensive that it limits the scope of the eligibility that is required, I think, at the same time that it stops a number of other important amendments from being adopted. Therefore, I'll be voting against it.

The Vice-Chair (Mr. Kevin Waugh): Go ahead, Mr. Bittle.

Mr. Chris Bittle: I think Mr. Julian covered it well. This really upends the structure of the bill. We're opposed to it.

The Vice-Chair (Mr. Kevin Waugh): Is there any other discussion on CPC-13?

Seeing no hands, we'll ask for the vote.

(Amendment negatived: nays 7; yeas 3 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll move on to G-1 with Mr. Bittle.

• (1410)

Mr. Chris Bittle: If I may, Mr. Chair, we'd like to withdraw amendment G-1. We prefer NDP-7. We will withdraw G-1 and speed things along.

The Vice-Chair (Mr. Kevin Waugh): Okay. Thank you.

We can then move on to NDP-5. If NDP-5 is adopted, CPC-13.1 cannot be moved because of a line conflict.

Mr. Julian, the floor is yours.

Mr. Peter Julian: Oh, gosh, we're proceeding at such speed, Mr. Chair.

Voices: Oh, oh!

Mr. Peter Julian: Perhaps you could give me a moment while I catch my breath. I've been turning pages here.

Thanks to Mr. Bittle for his intervention.

NDP-5 would modify line 7 on page 5 to read as follows:

local news businesses and all eligible news businesses benefit from them, they con-

This amendment was suggested by Unifor, Canada's largest private sector union, which also provides a great deal of support for workers in journalism and the communication sector. This amendment would provide for more inclusivity, similar to the previous amendment we discussed. For news businesses that are going through the eligibility process, they would be included as part of the process. We want to make sure that all eligible news organizations are included. This is another attempt to do that in a way that ensures that there is maximum bargaining power from eligible news businesses towards big tech. Thanks to Unifor for making those suggestions in terms of amendments.

I'll move that amendment.

The Vice-Chair (Mr. Kevin Waugh): Go ahead, Mr. Bittle.

Mr. Chris Bittle: Thank you very much.

Before my comments, I'm wondering if I could ask Mr. Ripley a question.

Would there be any constitutional issues if this amendment were to be passed?

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

Nothing comes to mind from a constitutional perspective. The thrust of it is similar to what we were discussing, that in essence this would result in an obligation to have an agreement with all eligible news businesses in order to benefit.

My observation would be that this muddies the water between the exemption in subparagraph 11(1)(a)(iv), which is intended to speak to the sustainability of the Canadian news marketplace as a whole, and then subparagraph 11(1)(a)(v), which is specifically about independent local news businesses and innovative business models.

In essence, I think this amendment broadens subparagraph 11(1)(a)(v) to be about not only independent local businesses but all eligible news businesses.

Mr. Chris Bittle: I won't go over it too much because I discussed it with the previous amendment by Mr. Julian. Again, I think it's really coming from a very good place in terms of Mr. Julian's desire to protect workers, but the goal of Bill C-18 and the reason for the exemption is that the benefit is to encourage foreign tech giants to enter into as many negotiations as possible and to also, at the same time, encourage collective bargaining.

Again, I'm worried about this amendment undermining the regime and jeopardizing the bill. There's a possibility of a trade risk. The amendment is unnecessary and has the same outcomes that could be achieved through collective bargaining, or news organizations can band together and seek deals, which was what we saw in the Australian model.

I appreciate the effort to try to increase the number of deals, but I think that at the same time, the intention may reduce them or may drag things out and highlight what Mr. Housefather said before.

I'm rambling a bit at this point in my own remarks.

• (1415)

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Bittle.

We move now to Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Chair.

I noticed that Mr. Bittle didn't use the word "filibustering" but "rambling".

I want to ask a question further to Mr. Housefather's point. We want to make this as broad as possible so that everybody who wants to participate and get a deal can do it, but we don't want a bad actor to stymie the whole bunch.

Does Mr. Ripley have a suggestion as to how that could be done in the bill?

Mr. Thomas Owen Ripley: I believe there have been suggestions put forward. I think it was CPC-12.1, for example, that had the notion of folks who wanted to have an agreement requesting an agreement.

From the government's perspective, though, I think the debate that has been had in this committee is a fundamental one. Is the purpose of clause 11 to incent platforms to try to come to voluntary agreements with a view to obtaining certain policy objectives, or is clause 7 a binding obligation to achieve a very specific comprehensive set of agreements? From the government's perspective, that's a fundamental distinction.

The bill, as crafted, is intended to put in place an incentive to get to voluntary agreements and leave it to the market to a certain extent to arrive at that outcome.

Ms. Marilyn Gladu: Thank you.

The Vice-Chair (Mr. Kevin Waugh): We move to Mr. Housefather.

[*Translation*]

Mr. Anthony Housefather: Thank you, Mr. Chair.

I don't want to repeat everything I've already said, but in my opinion, this is exactly the same issue we have already raised. Here, we're talking about all eligible news organizations, but once again, this would make it possible for a single business acting in bad faith to prevent 99% of platforms from benefiting from an agreement they have successfully negotiated. Therefore, I do not support this amendment.

Thank you.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Thank you.

I'm going to move a subamendment. Because amendment CPC-13.1 would be nullified or would not be considered if NDP-5 carries, what I will suggest is that we move a subamendment there.

In amendment CPC-13.1, we have (a) and (b). I ask that we ignore (a) for a moment. What I'm asking is that (b) would be worked in, and here's how.

On line 13 in the current legislation, it says, "including diversity with respect to language". Then we would insert, "ideology and opinion", and then it would continue to say, "racialized groups, indigenous communities, local news and business models."

On line 13 of the current legislation, my subamendment would be that it would read "including diversity with respect to language", and then my insertion, my subamendment, would read "language, ideology, opinion," and then pick up with the current bill, which says "racialized groups, indigenous communities", etc.

• (1420)

The Vice-Chair (Mr. Kevin Waugh): It's the two words after "language", then, on line 13.

Mrs. Rachael Thomas: I'm simply adding the words "ideology" and "opinion" after "language" on line 13.

Mr. Julian, is that clear?

Mr. Peter Julian: It is clear. Whether I agree to it is another question.

The Vice-Chair (Mr. Kevin Waugh): Mrs. Thomas, you still have the floor.

Mrs. Rachael Thomas: Before I continue, I just want to make sure that the clerk is up to speed on this. I don't know if we need to suspend for a second.

The Vice-Chair (Mr. Kevin Waugh): We'll suspend for one second in order for Mr. Méla to confer with you on that subamendment.

• (1420) _____ (Pause) _____

• (1420)

The Vice-Chair (Mr. Kevin Waugh): Mr. Méla, we will ask you to read it out, if you don't mind.

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

In essence, Mrs. Thomas simply wants to add paragraph (b) in CPC-13.1 after the amendment by Mr. Julian. That's about it.

The Vice-Chair (Mr. Kevin Waugh): Mr. Champoux, you have some thoughts.

[Translation]

Mr. Martin Champoux: Thank you, Mr. Chair.

Bill C-18 seeks to address the existing imbalance in the news industry. It's an attempt to keep the web giants from encroaching upon businesses that produce news content. The objective is to save newsrooms. We must keep that in mind in the amendments we vote on today.

There are certain fundamentals in journalism. For a journalist to be recognized as such, he or she must meet certain standards of excellence, including independence, fairness and rigour. If anything should be excluded from the journalism profession, it's opinion and ideology. While these publications must also have their fair share of the pie and the playing field must be levelled in relation to the web giants, that's not the purpose of Bill C-18. The bill instead seeks to support news and information itself.

Therefore, I won't support this subamendment because it will just open the door to all kinds of opinion and ideology media. I do not consider that to be journalism. I may be a bit of a purist, but we need to ensure that journalistic standards are upheld. That's what Bill C-18 needs to protect. That's why I won't support this subamendment.

• (1425)

[English]

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Champoux.

Mr. Bittle, you have the floor.

Mr. Chris Bittle: I'll be very quick, Mr. Chair, as Monsieur Champoux said it much better than I possibly could have.

My only comment is that it's a little surprising that the Conservatives want to expand the scope of this bill so that the CRTC is in the position to evaluate the ideology of a news organization when granting an exemption order. It seems to go counter to everything we've heard on Bill C-11 and Bill C-18, but here we are.

The Vice-Chair (Mr. Kevin Waugh): I'm just getting a note from the legislative clerk.

Go ahead, Mr. Julian.

Mr. Peter Julian: I won't be supporting the subamendment. I think it's fair to say that I'm a little surprised too. I was surprised when I saw the amendment from the Conservatives on ideology and opinion, and I'm still quite surprised. It is something that has come up frequently around these bills.

On this bill, it would seem to me that given what the Conservatives have said, this is probably the last area they should be venturing into. Offering it as an amendment contradicts what they've been saying about the bill.

I'll be voting against it. I just find it somewhat surprising. I'm perplexed.

The Vice-Chair (Mr. Kevin Waugh): If the subamendment proposed by Mrs. Thomas is adopted, then NDP-7 cannot be moved due to a line conflict.

To wrap up the conversation on the subamendment by Ms. Thomas, is there any other discussion?

Mrs. Rachael Thomas: To be clear, we are asking for the protection of diversity. We are asking for the protection of diverse thought, diverse opinions and diverse ideologies. I would expect the members around the table to protect the essence of what I am saying rather than misconstrue it.

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mrs. Thomas.

I see no other hands in the air, so I will ask for the vote on the subamendment.

(Subamendment negatived: nays 7; yeas 3 [See Minutes of Proceedings])

The Vice-Chair (Mr. Kevin Waugh): Thank you, Clerk.

We will go back to NDP-5.

Do you have any final thoughts, Mr. Julian, or do you want to head to the vote?

Mr. Peter Julian: Thank you, Mr. Chair. I think everybody has expressed their opinion eloquently.

The Vice-Chair (Mr. Kevin Waugh): Okay. I will call the vote on NDP-5.

(Amendment negatived: nays 6; yeas 4 [See Minutes of Proceedings])

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We will move on to CPC-13.1. If it is adopted, NDP-7 then cannot be moved due to a line conflict.

Mrs. Thomas, go ahead on CPC-13.1, please.

• (1430)

Mrs. Rachael Thomas: CPC-13.1 is simply a mechanism for greater inclusion. In the consideration of news sources, different outlets would not be discriminated against based on ideology or opinion. Rather, there would be great freedom granted to these news organizations in that regard.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Go ahead, Mr. Bittle.

Mr. Chris Bittle: Again, I know that with Bill C-11 and Bill C-18 there have been concerns raised that the CRTC is going to regulate content. Nothing in the bills, and no amendments, do that. This is the only amendment we've seen in those two bills that would put the CRTC in a position to regulate content, which is, again, surprising.

We're opposed.

The Vice-Chair (Mr. Kevin Waugh): Are there any further thoughts on CPC-13.1?

Ms. Gladu, go ahead.

Ms. Marilyn Gladu: Thank you, Chair.

I just wanted to say that it's disturbing to me that the government is objecting to having diversity of ideology and opinion put into the list of things that we're including. That's concerning. That's exactly why Canadians are mistrustful of the legislation that's coming forward.

The Vice-Chair (Mr. Kevin Waugh): Mr. Housefather, you have the floor.

Mr. Anthony Housefather: Thank you very much.

I think the issue is that the criteria that are set out in clause 6 are objective criteria. An example is language. We know if something is in English or French. We know if something is coming from a racialized group. We know if something is coming from an indigenous community. We know what a local news and business model is.

However, ideology is entirely subjective. The last thing we want the CRTC to be doing is butting in and determining the ideology and opinion of a newspaper. Moreover, as I think Mr. Champoux said before, news is not supposed to be biased. It's not supposed to have ideology or opinion, and we shouldn't care about the editorial content of any newspaper when we are evaluating what their journalism product is, which should be entirely outside of the ideology of the paper. I think that is the major difference.

Thank you to my friend Marilyn for advancing that point, though.

The Vice-Chair (Mr. Kevin Waugh): Go ahead, Ms. Gladu.

Ms. Marilyn Gladu: Putting "ideology and opinion" in here allows the full range of them. It doesn't exclude anything. You could have opinions on all sides of the fence. That's the whole point.

The Vice-Chair (Mr. Kevin Waugh): Is there any other discussion on CPC-13.1?

Seeing none, I will call for the vote on CPC-13.1

(Amendment negated: nays 7; yeas 3; [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll move on to NDP-6.

Before I give the floor to Mr. Julian, if NDP-6 is adopted, then NDP-7 cannot be moved due to a line conflict.

Mr. Julian, you have the floor.

• (1435)

Mr. Peter Julian: I'm sorry; I don't believe that's true.

The Vice-Chair (Mr. Kevin Waugh): You're challenging me now, but I'm—

Some hon. members: Oh, oh!

The Vice-Chair (Mr. Kevin Waugh): Shame on you.

Some hon. members: Oh, oh!

Mr. Peter Julian: That is not true.

Ms. Marilyn Gladu: Chair, it's because they both change line 11.

The Vice-Chair (Mr. Kevin Waugh): I have the note here, so I am going to refer to Mr. Méla.

We're on NDP-6. I have it here on the sheet that if it is adopted, then NDP-7 can't be moved. We're being challenged on that. Is that right?

Mr. Anthony Housefather: May I ask for a brief recess?

The Vice-Chair (Mr. Kevin Waugh): Yes, we can have a brief recess.

• (1435)

(Pause)

• (1435)

The Vice-Chair (Mr. Kevin Waugh): We will come back now.

Go ahead, Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

After a hurried but effective huddle with some of my colleagues Mr. Champoux, Mr. Bittle and Mr. Housefather—thank you very much, Mr. Housefather—I will withdraw NDP-6 and will add a subamendment to NDP-7 to include the language that is in NDP-6.

If it was the other way around, we would be bringing the subamendment forward, but because of the order in which it was submitted, we'll withdraw NDP-6 and then subamend NDP-7.

The Vice-Chair (Mr. Kevin Waugh): Okay, we'll move to NDP-7.

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

I'd like to offer a subamendment.

Mr. Anthony Housefather: You have to have somebody else do it. I'd be happy to do it.

The Vice-Chair (Mr. Kevin Waugh): We have Mr. Housefather on a subamendment to NDP-7.

Mr. Anthony Housefather: I'll give the floor right back to Mr. Julian, but I will amend NDP-7 to add the language from NDP-6 at the beginning of the clause where NDP-7 would be. Subparagraph 11(1)(a)(vi) would now be: "they involve a range of news outlets in both the non-profit and for-profit sectors and were entered into with news businesses that reflect a diversity of business models".

• (1440)

Mr. Peter Julian: I'm sorry; can you say that again?

Mr. Anthony Housefather: Yes. I'm introducing the words you had before. It would now say, "they involve a range of outlets in both in the non-profit and for-profit sectors that reflect the diversity of business models".

[*Translation*]

Would you like me to repeat it?

[*English*]

The Vice-Chair (Mr. Kevin Waugh): I just want to say, because we have Mr. Morrice here, that if NDP-7 is adopted, then PV-2 cannot be moved due to the line conflict.

Mrs. Rachael Thomas: I'm sorry; can you say that again?

The Vice-Chair (Mr. Kevin Waugh): If NDP-7 is adopted... We're dealing with the subamendment now. We'll finish the subamendment. I just want to flag that PV-2 could not be moved due to a line conflict if NDP-7 is in fact adopted.

Is it okay with everyone if we hear from Mr. Morrice first, before the amendment, or...?

We're not there yet. Okay. We'll do the subamendment, then.

Go ahead, Mr. Julian.

Mr. Peter Julian: I thought that Mr. Housefather's subamendment was brilliant. I would like to thank him for that.

The Vice-Chair (Mr. Kevin Waugh): All right.

Is there any other discussion on the subamendment to NDP-7?

Seeing none, can I call for the vote on the subamendment?

We'll get the legislative clerk, Mr. Méla, to go through the subamendment.

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

Just to make sure I have it properly, just before the text of NDP-7, we would add, "(vi) they involve a range of news outlets in both the non-profit and for-profit sectors and", and then it continues.

Mr. Anthony Housefather: It would be, "entered into with news businesses that reflect the diversity of the business models".

Mr. Philippe Méla: That's right. It continues. The subamendment just adds to that.

Mr. Anthony Housefather: Yes, that's perfect.

The Vice-Chair (Mr. Kevin Waugh): Is everyone fine with the subamendment to NDP-7?

Do I need to call a vote, or is it agreed?

Mrs. Rachael Thomas: I think we're good. I just want to make sure that we're not forgetting about the other guys.

The Vice-Chair (Mr. Kevin Waugh): Ms. Gladu, Ms. Hepfner, Mr. Shields and Mr. Morrice are good with it.

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

The Vice-Chair (Mr. Kevin Waugh): For NDP-7, we have Mr. Julian.

Mr. Peter Julian: Again, my thanks go to Mr. Housefather for his brilliant and methodical approach on this issue. I want to thank CACTUS, which indicated to us the importance of the subamendment that we just adopted.

As far as NDP-7 is concerned, I want to underline that APTN, Dadan Sivunivut and the Fédération nationale des communications and de la culture all offered this important suggestion to ensure that indigenous news outlets are a part of clause 11 and part of the obligations that the web giants have before they can apply for an exemption.

In other words, they are something that needs to be considered. The obligations would include ensuring that a significant portion of indigenous news outlets benefit from them and that they contribute to the sustainability of those outlets in a way that supports the provisions of news content by and for indigenous peoples.

It also includes that these agreements have been entered into business models that provide services to all markets and diverse populations, including anglophone and francophone communities, official language minority communities and Black and other racialized communities. There's no doubt that this amendment helps to strengthen the diversity component of the legislation.

I want to thank all those who testified before us and made those important suggestions. I hope that this amendment will be adopted and improve Bill C-18.

• (1445)

The Vice-Chair (Mr. Kevin Waugh): If it's okay with the committee, could I get approval for Mr. Morrice to speak to NDP-7?

Some hon. members: Agreed.

The Vice-Chair (Mr. Kevin Waugh): Go ahead.

Mr. Mike Morrice (Kitchener Centre, GP): Thank you for that, Mr. Chair.

I'd like to propose that PV-2 be considered as a subamendment to NDP-7.

The Vice-Chair (Mr. Kevin Waugh): The legislative clerk has said that you can't move amendments. You can just speak on NDP-7 here.

Mr. Mike Morrice: Okay.

I'd like to speak to the fact that currently NDP-7 doesn't include the need to include community radio stations and community broadcasters, which is referenced in what is currently PV-2, encouraging participation of private, public and community-based broadcasters. Doing so is supported by organizations like the Community Radio Fund of Canada and the National Campus and Community Radio Association.

My understanding is that someone else must now potentially introduce this as a subamendment. Is that correct, Chair?

The Vice-Chair (Mr. Kevin Waugh): It is correct, but you're not eligible to introduce a subamendment. You can only speak to what we're talking about here, NDP-7.

Go ahead, Mr. Housefather.

Mr. Anthony Housefather: Just for clarification, I want to mention to Mr. Morrice, who may have just missed that, that there was also an amendment to NDP-7 that came from NDP-6 that now starts the whole clause off by talking about a wide range of news outlets in both the non-profit and for-profit sectors. It certainly encompasses things like community radio stations and other non-profit community-based broadcasting, because it was amended.

The Vice-Chair (Mr. Kevin Waugh): Does that clarify everything for you, Mr. Morrice?

Mr. Mike Morrice: Yes, thank you.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Is there anything else on NDP-7 as amended?

(Amendment as amended agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

Mr. Peter Julian: I was pleased to vote in favour and make it unanimous.

The Vice-Chair (Mr. Kevin Waugh): Congratulations. It's the first one we've had.

As I said, PV-2 now cannot be moved due to a line conflict, so we move to NDP-8.

We welcome once again Mr. Julian.

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

[*Translation*]

This amendment comes from the National Federation of Communications and Culture, and it seeks to provide for consultation regarding exemptions.

We move that the following be added to Clause 11 of the bill:

(a.1) the Commission has held public consultations in accordance with any conditions that its Chairperson may specify;

Our amendment also adds the following paragraph to Clause 11:

(5) The order remains in effect for a period of not more than five years and, subject to this section, may be renewed.

Consultation would provide greater guidance on exemptions and, in turn, limit them.

I'd like to thank the National Federation of Communications and Culture for recommending these important changes to the amendment.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Is there any discussion on NDP-8?

Seeing no other hands, we will call for the vote.

(Amendment agreed to: yeas 10; nays 0)

The Vice-Chair (Mr. Kevin Waugh): Thank you. You're on a roll.

We still have a little time. Let's move to CPC-13.2.

We'll give the floor to Mrs. Thomas. I know that everybody is jittery over airplanes, so if we can wrap this one up, we will see where we are for time after that.

Go ahead, Mrs. Thomas.

• (1450)

Mrs. Rachael Thomas: Again, it returns to a previous point made, which is that more and more Canadians are becoming skeptical of news and government engagement, wanting to be reassured that there is no undue political influence. That is something we are seeing from more than half of the Canadian population who have chimed in on recent polls.

Essentially, CPC-13.2 removes ministerial discretion, and it basically mandates the creation of mechanisms to include news businesses not provided for in the initial exemption order. With that, it removes cabinet and what might become a partisan decision, or at least would have the appearance thereof, so it takes that out.

It also makes sure, again, that there is great certainty for eligible news sources in ensuring them that there is no vague grey area, but rather that the terms are clearly set. Those wishing to enter into negotiations will have the opportunity to do so without being locked out.

We saw that in Australia. We saw that local news sources were locked out, so basically the big players made it to the table. They entered into negotiations with DNIs, and then the government said, "Okay, that's good; we've reached this magical number of x million dollars, so no more negotiation is necessary."

My concern and the concern of many local news outlets is that the government of the day would perhaps do the same here in Canada. This magic number here in Canada is surmised to be around \$330 million, so the concern from local news outlets is that once that number is reached, the government will no longer require negotiations to be entered into. Of course, that leaves these little guys out.

That being the case, and wanting to defend our local communities as well as ethnic media, I am choosing to move CPC-13.2 as a protective mechanism for them.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Go ahead, Mr. Bittle.

Mr. Chris Bittle: Thank you so much, Mr. Chair. I will be very quick.

I do recall from the evidence from Australia that small media outlets got together, and we did hear evidence of substantial success of small media outlets disproportionate even to larger elements from one of our earliest witnesses from Australia, who did appear in the very early hours of Australian time.

While we appreciate the intent of this amendment, it's important to note that exemptions aren't permanent. The CRTC can re-evaluate the relevance of an exemption if an influx of new news organizations should occur.

We also already have a series of programs dedicated to supporting journalism start-ups, which Conservatives have historically fought against, so we will be opposed.

• (1455)

The Vice-Chair (Mr. Kevin Waugh): Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Just to once again put it on the record, the honourable member would recall that there was indeed an Australian witness who came forward and said that everything was fine and dandy in Australia. Then there was a written submission that was given to us as committee members from local news outlets in Australia. Several hundred of them got together and co-signed this letter to us, which said that it was not correct and that they did, in fact, get left out in the cold.

I certainly wouldn't want that to happen to local media sources here in Canada. Again, that's the reason for the motion on the table. I would hope the government would want to defend them as well.

The Vice-Chair (Mr. Kevin Waugh): Is there any other discussion on CPC-13.2?

Seeing none, then I'll proceed to the vote.

(Amendment negatived: nays 7; yeas 3 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): We have a hard stop at 3:02 p.m. What is the wish of this committee?

Mr. Peter Julian: Keep going. We're on a roll.

The Vice-Chair (Mr. Kevin Waugh): We'll keep going. Okay.

On CPC-14, we lead it off with the Conservatives.

Ms. Gladu, please address CPC-14.

Ms. Marilyn Gladu: You remember that the other day we had a conversation. We were trying to put some definition around the size of entities. We proposed different thresholds of dollar values. The comment, I believe from Mr. Ripley, was that this would be put in the regulations. This amendment is to make sure that it will be put in the regulations so that we do get that definition on size of organization, etc.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll go to Mrs. Thomas now.

Mrs. Rachael Thomas: Thank you to my colleague for weighing in there.

Indeed, that's exactly it. Essentially, what we're trying to do here with CPC-14 is create greater clarity. It's being put forward by my colleague Mr. Nater. This was one mechanism that he wanted put in place in order to help bring greater certainty. Again, it's in order to serve various news outlets, in particular those that are smaller in na-

ture, to ensure they do, in fact, get a fair shake before DNIs can close their doors and no longer have to enter into negotiations.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Ms. Gladu, you still have your hand up. Do you wish to speak?

Ms. Marilyn Gladu: No, it's a leftover, Chair. Thank you.

The Vice-Chair (Mr. Kevin Waugh): Okay, thank you.

Go ahead, Mr. Bittle.

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

The Governor in Council has the power to specify exemption thresholds. It already exists under paragraphs 84(c) and (d), and those will be used. Creating the exact same powers for the CRTC would create a conflict. The news landscape is constantly shifting. Setting specific thresholds for a constantly shifting sector, in my opinion, is not a good idea.

Once again, it's a little surprising to see. I know there's been concern expressed about the GIC having powers to regulate, which historically it always had. It's surprising to see the Conservatives wanting to trust the CRTC with regulation-making powers.

Thank you.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Is there any other discussion on CPC-14 as we move forward?

Seeing none, we'll call for the vote.

(Amendment negatived: nays 7; yeas 3 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): The hard stop is 3:02 p.m., and it's 3:01:50 p.m.

Go ahead, Mr. Julian.

• (1500)

Mr. Peter Julian: I do believe there's a clause 11 that we can look to carry.

The Vice-Chair (Mr. Kevin Waugh): We can do that, yes. Thank you very much.

Shall clause 11 carry, as amended?

(Clause 11 as amended agreed to: yeas 7; nays 3 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): Thank you, everyone. We'll see what happens on Tuesday.

The meeting is adjourned.

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