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Chair: The Honourable Hedy Fry



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• (1305)

[*Translation*]

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): I call this meeting to order.

Welcome to meeting number 58 of the House of Commons Standing Committee on Canadian Heritage.

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

[*English*]

Today's meeting is taking place pursuant to the order of 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 in a hybrid format pursuant to the House order of Thursday, June 23, 2022. Members attending in the room know by now what to do to get your interpretation. Members who are in the hybrid format, because we've been doing this for a while as parliamentarians, also know what to do to find your interpretation with that little globe thing at the bottom of your screen.

Please wait until I recognize you by name to activate your microphone, and turn it off as soon as you have spoken. Otherwise, we have that horrible clashing sound of my voice ringing like a ban-shie in the meeting when I try to speak.

We have with us today witnesses from the Department of Canadian Heritage. We have Thomas Ripley, Michel Sabbagh, Joelle Paré and Frederick Matern. They are here to advise, to facilitate and to interpret any of the clauses of the bill with which you wish to deal.

We'll begin with BQ-3 and Monsieur Champoux—

Mr. Waugh, go ahead.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Before we get under way here with clause-by-clause consideration, out of courtesy to Justice Cromwell, as we have a motion to bring him to committee, I'm wondering, Madam Chair, if I could suggest the following. Because we are progressing pretty well on Bill C-18, I suggest we ask the clerk to arrange for Justice Cromwell to come to committee on December 13 out of respect for his time.

As you all know, Hockey Canada's new board will be announced on Saturday, December 17, and we wanted Justice Cromwell here before it proceeds with its new board.

If that's okay with everyone, I circled the date of Tuesday, December 13.

The Chair: Kevin, the clerk has already contacted Justice Cromwell, so I will let her report on what happened with her discussion with him.

Go ahead, Aimée.

The Clerk of the Committee (Ms. Aimée Belmore): I have indeed contacted Justice Cromwell, and he is receptive to coming to the committee.

Mr. Kevin Waugh: I can't hear a word you're saying.

The Clerk: Sorry; there's a volume issue in the room that we're trying to sort through. I'm sorry. In the interim, I have asked that the room volume be turned up, but if you could put in your earphones, I'm afraid that will have to be the....

The Chair: Excuse me, Aimée. Because we are all committee members, I didn't ask, but has everyone actually concluded the microphone testing and made sure they're using the mikes the House of Commons says they should use?

The Clerk: All the witnesses are in person, so there were no tests to do for today's meeting.

As to the question about Justice Cromwell, I have reached out to him, and he has indicated that he is available to come to committee on both Tuesday, December 13, and Friday, December 16. He has, however, indicated a preference for Friday, December 16. I will leave that with members of the committee. He has also indicated that at least two to three other people will be accompanying him.

The Chair: Thank you, Aimée.

I don't know if the committee will be meeting on Friday, December 16, but it is up to the committee to make a decision about that. If the House rises before December 16 and the committee wants to meet on December 16, are there resources available for us to do so, Aimée?

The Clerk: If the committee intends to meet on the 16th, I wouldn't want to get out in front and we would of course need to ask, but I'm certain that the resources would be there to support the meeting.

The Chair: Thank you.

Go ahead, Marilyn.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Chair, I would suggest that out of an abundance of caution, maybe we should go with the 13th. I know it's not the judge's favourite, but at least we know that the meeting wouldn't be pre-empted and we wouldn't need anybody to stay longer at Christmas.

The Chair: I agree with you, Marilyn. I think that may be a very wise decision, because we want to hear from him prior to the board's consent. I also know that if we have finished clause-by-clause study and we are able to do that meeting, that we could, if necessary.... I think the clerk was telling me that there is an indication that we might be able to get three hours. I don't know. It's whatever.

Go ahead, Aimée.

The Clerk: Mr. Bittle has his hand up in the room.

Mr. Chris Bittle (St. Catharines, Lib.): Madam Chair, I'm in favour of the motion. I think it's wise, Mr. Waugh, to schedule a date, but I know we do have a priority on clause-by-clause consideration. The only thing I would amend is that it be December 13, unless clause-by-clause study has not yet been completed.

• (1310)

The Chair: All right.

That's not an official motion, but does everyone in the room agree with what Chris had to say?

Some hon. members: Agreed.

The Chair: There's nodding around, so we can move on, then.

I will go to BQ-3. Obviously, whoever is replacing Mr. Champoux may want to speak to this amendment.

Is there a BQ member in the room?

The Clerk: There is, Dr. Fry.

Mr. Champoux just walked in. We might require one second for him to get himself installed.

The Chair: All right.

While he's settling himself, I will tell everyone that if we adopt BQ-3, CPC-17 and CPC-17.1 cannot be moved, due to a line conflict.

[*Translation*]

Mr. Champoux, you have the floor.

Mr. Martin Champoux (Drummond, BQ): Madam Chair, I just arrived because I had to give a little speech in the House.

I would just ask you to please give me 30 seconds to find my documents.

[*English*]

The Chair: Shall we suspend for 30 seconds or a minute to allow Martin to get his act in order?

Martin, you can indicate to us when you're ready.

[*Translation*]

Mr. Martin Champoux: Thank you, Madam Chair.

BQ-3, relating to eligible news businesses, proposes to amend paragraph 27(1)(b) of Bill C-18, by replacing line 4 on page 10 with the following:

(b) produces news content of public interest that is primarily focused

It's a principle of journalism to serve the public interest, and it's recognized as a function of a news business. We want to add the words "public interest" to the term "news content", as the latter is rather vague and imprecise.

[*English*]

The Chair: Martin, your amendment says:

produces news content of public interest that is primarily focused

Is "that is primarily focused" being removed, and is the period being put in after "interest"?

[*Translation*]

Mr. Martin Champoux: I have the French version in front of me, Madam Chair. I imagine that it can be translated.

The amendment only proposes to add "of public interest" to line 4 on page 10, without replacing any part of the sentence.

[*English*]

The Chair: Thank you.

Is there any discussion on this amendment?

Yes. Go ahead, Marilyn.

Ms. Marilyn Gladu: Obviously I'm biased, because if this one passes, my CPC-17.1 doesn't pass. What I would say is that I don't know that "public interest" can be defined. Many of the public don't seem interested at all in things that our news content should be interested in. I think some of the wording in the other ones is preferred.

The Chair: All right.

Is there any further discussion?

Seeing none—

[*Translation*]

Mr. Martin Champoux: Madam Chair, may I say something?

[*English*]

The Chair: Yes, Martin, did you want to respond?

The Clerk: It's Ms. Thomas, and then Monsieur Champoux.

The Chair: Sorry. Is Ms. Thomas on the floor? I didn't see her hand up.

Yes, go ahead, Ms. Thomas.

Mrs. Rachael Thomas (Lethbridge, CPC): I'm curious about these terms of "public interest" versus "general interest". I'm wondering if perhaps Mr. Ripley or one of the officials could weigh on what difference this makes in the ramifications of the bill.

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

Good afternoon, Chair.

What I would draw the committee's attention to is the definition of "news content" at clause 2 of the bill, which is:

news content means content — in any format, including an audio or audiovisual format — that reports on, investigates or explains current issues or events of public interest.

The idea of "public interest news", from the government's perspective, was already included in the concept of "news content" and would include things like covering democratic institutions, courthouses, legislatures and Parliament. The government's view would be that the impact of the proposed amendment is minimal because the concept of public interest is already in fact included in the definition of "news content".

• (1315)

The Chair: Thank you. Does that answer your question, Mrs. Thomas?

Mrs. Rachael Thomas: Sure.

The Chair: Thank you.

Clerk, since I see no one else's hand up, can we call the question?

Shall BQ-3 carry?

The Clerk: There is a difference of voices in the room.

The Chair: Are there people who would like to weigh in? Unless they put their hand up, I don't know if they want to weigh in or not.

The Clerk: I just mean that there isn't agreement.

The Chair: That's why I asked if you would please call the question. Count the vote, please.

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

The Chair: BQ-3 is carried. We move on, therefore, to CPC-18.

I think that amendment was moved by Mr. Nater, but would someone speak to it?

Ms. Marilyn Gladu: Is CPC-18 not from Mrs. Thomas?

The Chair: Mrs. Thomas, would you speak, please, to the amendment?

Mrs. Rachael Thomas: Here we go on CPC-18.

It replaces text on line 5, page 10. Essentially it's taking out "general interest" and just saying that it has to do with reports of current events, including coverage of democratic institutions and processes, etc.

It's this concept of "general interest" that we feel is a vague, undefined term that perhaps is not necessary to this bill and doesn't necessarily strengthen it but perhaps causes confusion.

The Chair: Thank you.

Are there any other speakers?

The Clerk: Mr. Bittle has his hand up.

The Chair: Yes, go ahead, Chris.

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

This amendment looks harmless, but if we take it with other CPC amendments like CPC-22 and CPC-24, it undoes the current eligibility section, straying away from the QCJO definitions that are central to the act. Unfortunately, I can't support it.

The Chair: Are there any other speakers?

No? Then perhaps I will call the question, and the clerk can count the votes.

Shall CPC-17 carry?

Sorry; it's CPC-18.

• (1320)

The Clerk: I'm not seeing agreement in voices, Dr. Fry.

The Chair: Are you seeing full agreement?

The Clerk: No, I'm not. Did you want me to call the vote?

The Chair: That's why I asked you to please call the vote.

The Clerk: Did you want me to call a recorded division every time?

The Chair: Yes. Yes.

The Clerk: Thank you.

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

The Chair: We now go to NDP-13.

Go ahead, Mr. Julian.

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

To cause happiness throughout the committee, I will be withdrawing NDP-13 in favour of NDP-16, which will be coming up for consideration a little later on. We have one amendment fewer to debate.

The Chair: That's because it was going to move a whole bunch of other ones out of the discussion. It has been removed entirely.

We now go to CPC-19.

If CPC-19 is adopted, CPC-19.1, NDP-14, NDP-15, PV-5, NDP-16, CPC-20 and G-2 cannot be moved, due to a line conflict.

Is Mrs. Thomas speaking to CPC-19?

Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Thank you.

Essentially, one thing we heard from many of the witnesses who came forward was a concern around the stipulation that there must be two journalists in order to fit the criteria.

Many of the local newspaper outlets function with one journalist. Perhaps one journalist is even shared between two different organizations. This is commonplace, particularly in rural areas where these small newspapers exist, oftentimes, as well as in ethnic media outlets. One thing we heard time and again from witnesses who appeared here in person, but also in written briefs submitted to us, was that they wished to see this reality accounted for—that there are often not two full-time journalists.

Ultimately, that is what we are trying to amend here. We would make sure that local news outlets and ethnic news media are able to enter into negotiations and that smaller players are not left out in the cold but are included in this bill. One reason this is so important is that much of this bill is already bent in favour of large newspaper conglomerates or larger broadcasters. It's been stated by the Parliamentary Budget Officer that about 75% of the money will be going towards these larger broadcasters.

Our attempt here is to stand up for the newspapers and make sure they get a fair shake.

The Chair: Is there any discussion?

Go ahead, Kevin.

Mr. Kevin Waugh: Thank you, Madam Chair.

I totally agree with Mrs. Thomas on this. We only heard from the Alberta and Saskatchewan news associations, but we didn't hear from B.C.'s or others.

When we heard from Saskatchewan, up to 80% of the local newspapers in their province would not qualify with two reporters. We then heard some despairing comments from the Alberta newspapers association. We heard from the publisher of St. Albert that 50% of Alberta will qualify and that this was fine. However, I think around the table, Madam Chair, we would agree that it isn't fine.

We want to include everybody in this bill. When this bill first came out, as you all know, it was designed to help the small and medium-sized newspapers, and I think this is a great change to the bill. I would strongly support it.

We've just heard from two, as I said, from Saskatchewan and Alberta. We didn't hear from any other news agencies across the country, but I'm sure glad that the Conservatives brought Saskatchewan and Alberta together to hear their concerns on this bill. I agree with this amendment wholeheartedly.

• (1325)

The Chair: Thank you.

Is there any other discussion?

Marilyn, is your hand up?

The Clerk: Dr. Fry, I have Mr. Bittle first, then Ms. Gladu and then Mr. Julian.

The Chair: Go ahead, Mr. Bittle.

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

Very quickly, we heard from UNIFOR about jobs disappearing, and we want to encourage news organizations to hire. That being said, we understand the concerns that have been raised.

Though I don't support this particular clause, I am in favour of NDP-16, which I think addresses some of the issues that are at play here.

The Chair: Go ahead, Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Chair.

I wanted to highlight as well that we heard about this difficulty when sometimes an owner of a small media organization also acts as a journalist or at least a part-time journalist. This amendment addresses that situation as well.

The Chair: Thank you.

Go ahead, Peter Julian.

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

I'm exuberant at the Conservatives' sudden support for Bill C-18. That's wonderful.

As you know, I've been raising for weeks and weeks the issue of the Alberta community newspapers and the Saskatchewan community newspapers while Conservatives pooh-poohed the bill and the legislation and then filibustered it to draw it out. If they are now coming on board and saying they're going to support Bill C-18, that is great news.

We've made a lot of improvements to the bill so far. NDP-16 addresses the issue of those journalists who are partners or who own the business, which was a concern of community newspapers, and I'll be supporting NDP-16. The CPC amendment does not do the job that NDP-16 does.

That said, I think it's very important as well that the government continue to provide supports to businesses that are just starting out, and there are programs available for those businesses that are just starting. I'm going to be voting against CPC-19, but voting for NDP-16, so that we're enlarging the scope of eligibility. I will say that the amendments that have been adopted so far do that as well, so that's all wonderful.

I'm very happy about the support of my Conservative colleagues now for Bill C-18. That's very good news. Let's keep going on, getting NDP-16 adopted and building more improvements into the bill.

The Chair: Ms. Gladu, do you want to speak again? Go ahead.

Ms. Marilyn Gladu: I want to clarify for Mr. Julian that I do not support Bill C-18. I share the concerns that have been raised by constitutional lawyers and by our friends in the U.S. I do not think it will achieve the purpose for which it is intended.

However, it is clear that the NDP-Liberal marriage is going to force this bill through, so my attempt here is to minimize the damage that will be done, to try to get the benefit for small media organizations and to try to prevent some of the unintended, hugely negative consequences that will happen.

It's too bad the government wouldn't just take money from Facebook and Google, which are willing to give it, and give it to a consortium of small media outlets and let them divvy the pot, and not let CBC, the Bell news media and Rogers walk off with 75% of it.

Thank you.

The Chair: Thank you, Ms. Gladu.

Clerk, is there anyone else on the floor?

The Clerk: There's Mrs. Thomas.

The Chair: Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Thank you.

I just want to be really clear here for the benefit of anyone who might be listening, because I realize that these amendments are not being read into the record and so sometimes it can be difficult to follow what is happening.

I'd like to bring some clarification. Right now we're on amendment CPC-19, which asks that this bill would be amended to include organizations that employ fewer than two journalists. It would also include organizations in underserved communities and journalists who work on a freelance or part-time basis, who are maybe shared between these different ethnic organizations.

Amendment CPC-19 actually stands up for local newspaper outlets and ethnic newspaper outlets by making sure that it encompasses them if there's only one journalist working there, including perhaps a part-time or a freelance journalist. It's an extremely inclusive amendment and one that was asked for.

I'd like to contrast that with amendment NDP-16, for which the Liberals and the NDP have, of course, expressed their support. Amendment NDP-16 still insists that there must be two full-time journalists and that those journalists could be a partner or an owner in the news business. However, make no mistake: It still requires that there be a minimum of two full-time journalists.

Let's be really clear. For Mr. Bittle to speak on behalf of the Liberals and to say we heard from the big boss at Unifor, which is a massive union, that we need more journalists to be hired—sure. If you lock out the little guys because they only have one journalist and you don't even give them a chance to access this funding so that they could hire more journalists, it is incredibly disingenuous. Of course there is no eye contract maintained right now, because you should be ashamed. That is ridiculous—

• (1330)

Mr. Chris Bittle: I have a point of order, Madam Chair.

I was just reviewing my notes. I have no issues with what Mrs. Thomas is saying and she can continue the Conservative slow roll of this bill in support of Facebook and Google, with which the Conservatives have stood side by side, day after day, bill after bill, and they will continue to do so. It's they who should be ashamed of where this has gone and where it is going, because I think Canadians expect all the parties of this House to stand up in support of them and not for foreign tech giants.

The Chair: Thank you, Mr. Bittle. I don't know if that actually was a point of order, but there we go.

Mr. Waugh, your hand is up.

Mr. Kevin Waugh: Thank you, Madam Chair.

I'm just going to say this because we heard testimony from Saskatchewan and Alberta on the one journalist. The point I want to make is that Bill C-18 has favoured the public broadcaster and has favoured the big broadcasting outfits that we have in this country.

First of all, in rural Canada, they expected maybe \$30,000 to \$50,000 to help them to hire an employee through Google and Facebook. That's what this bill set out to do when we first started: to give these little newspapers, ethnic newspapers and other media a lifeline for a reporter. Unfortunately, with the NDP joining the Liberals, what we're now seeing is you can lop off a zero. They're going to get \$300. They're going to get \$500 instead of \$30,000 a year or \$50,000 a year to hire reporters.

It's despicable, Madam Chair, that when I look at ours and we heard from groups like Saskatchewan and Alberta... I know we didn't hear from B.C., but I brought Alberta and Saskatchewan to the table. We clearly heard from them that—

[*Translation*]

Mr. Martin Champoux: A point of order, Madam Chair.

I'd respectfully ask my colleague Mr. Waugh to lower his microphone, which is a little high. We're having difficulty hearing him. It would help the interpreters.

Thank you very much.

[*English*]

Mr. Kevin Waugh: Thank you.

Is that a bit better, Martin?

[*Translation*]

Mr. Martin Champoux: That's much better.

[*English*]

Mr. Kevin Waugh: On this bill, when it does come out, in Bill C-18 clearly the losers are local newspapers in our communities in Canada. They expected a lot more from Facebook and Google.

On the Conservative side, we realized that you can't hire anybody for \$300 to \$500 a month. These people in rural Canada expected \$30,000 to \$50,000 a year to hire the reporters needed in this country.

• (1335)

The Chair: Thank you, Mr. Waugh.

Clerk, is there anyone else with their hand up?

The Clerk: There is Mrs. Thomas.

The Chair: Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Thank you, Madam Chair.

I do believe the floor was mine after the non-point of order raised by Mr. Bittle.

The Chair: I apologize, Mrs. Thomas. I thought you were finished making your point, but fair enough. Go ahead.

Mrs. Rachael Thomas: Thank you, Chair.

My point stands. I'm a bit dumbfounded or baffled—not surprised—and saddened and grieved by the disingenuous nature of my NDP and Liberal colleagues on the fact that they claim to stand up for these local newspapers.

Day after day after day, Mr. Julian—he just did it a few moments ago—pretends to be standing up for the Saskatchewan newspapers and the Alberta newspapers, these organizations or news businesses that are trying really hard just to make a go of it, yet he has withdrawn his motion that actually would have made a meaningful difference and instead has succumbed to Liberal pressure in still insisting that there would be two full-time journalists.

We know how this is going to go. We know that the NDP, the Liberals and likely the Bloc will all vote in favour of NDP-16 and likely unfortunately will shut down CPC-19, but let it be stated on the record that CPC-19 was the only amendment put forward that truly stood up for the small newspaper organizations and ethnic media, those organizations that the minister claimed this bill was meant to help.

In fact, this bill has been absolutely gutted and placed in favour of the large broadcasters and large newspaper conglomerates. That's a sad day for Canadians.

The Chair: Thank you, Mrs. Thomas.

Is there anyone else on the floor, Clerk?

The Clerk: No, Madam Chair.

The Chair: Seeing no hands up virtually, I shall then ask the question. Shall CPC-19 carry?

Please count the vote, Clerk.

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

The Chair: We will now move to CPC-19.1.

Go ahead, Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Chair. I'd like to withdraw CPC-19.1.

The Chair: Thank you.

We'll now go to NDP-14.

Mr. Peter Julian: Thank you, Madam Chair. I'm pleased to report that in favour of NDP-16, I'll withdraw NDP-14 and withdraw NDP-15.

NDP-15, of course, is no longer needed because NDP-3 passed, and I look forward to our vote on NDP-16.

• (1340)

The Chair: Thank you.

Following NDP-14 and NDP-15, which were withdrawn, we have PV-5.

Go ahead, Mr. Morrice.

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

I believe PV-5 is similarly seeking to do what NDP-16 is seeking to do in terms of standing up for independent online news publishers of Canada, and so I'm open to conversation from the committee on intentions for either one.

The Chair: Are you moving this or are you withdrawing it, Mr. Morrice? I'm not quite clear.

Mr. Mike Morrice: I'm happy to have it stand and to hear from other committee members, and on the merits of NDP-16 in its place as well.

The Chair: All right. Perhaps we can entertain discussion on PV-5.

Are there any hands up in the room?

The Clerk: I see Mr. Bittle and then Mr. Julian.

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

Mr. Chris Bittle: Thank you so much.

Very briefly, Madam Chair, I prefer NDP-16, which gets to the same point. I thank Mr. Morrice for his contribution, but I think Mr. Julian's amendment is a little clearer.

Mr. Peter Julian: Madame Chair, I too would like to thank Mr. Morrice for his advocacy. It is true, and I believe as well, that NDP-16 is clearer and more extensive.

I'd like to thank Mr. Morrice for his contribution to the discussions on this bill.

The Chair: Thank you.

Is there anybody else with their hand up on the floor, Clerk?

The Clerk: No, Madam Chair.

The Chair: No, and there is no one with a virtual hand up. We will call the question on Mr. Morrice's amendment, since it was not withdrawn.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: Now we move to NDP-16.

Mr. Peter Julian: Thank you very much, Madame Chair, and I'm very pleased to move NDP-16.

I think it's important to note that the independent online news publishers of Canada have been the instigators of start-ups right across the country, including two very important publications locally in my community, the Burnaby Beacon and the New West Anchor. They do terrific work. They employ a number of journalists, and they're the ones who have been the standard-bearers looking to have that critical improvement in Bill C-18. Their concern was around journalists who are partners in the business themselves or owners of the business themselves or who don't deal at arm's length with the business. Bill C-18 in its second-reading form excluded them from accessing the funds that are going to be so important for building journalism locally. Of course, the community newspaper associations like Alberta community newspapers and Saskatchewan community newspapers also spoke to this. This is an extremely important improvement.

What it does is it replaces line 9 on page 10 with the following:

Canada, which journalists may include journalists who own or are a partner in the news business and journalists who do not deal at arm's length with the business,

This amendment is a very important and critical one for improving the bill to make sure it's accessible to community newspapers, to online news publishers right across the country, to the media that provide supports in third and fourth languages in this country. We have an ethnic press that is extremely vital and energetic. What this does is provide that ethnic news publications that have owners who are also operators who are also journalists can access this regime. It's extremely important.

I became very confused by the Conservatives in the last discussion around the amendments. They've been opposed to Bill C-18. They've tried to fight Bill C-18. They've tried to delay Bill C-18, and then all of a sudden they spoke in favour of the benefits that come from Bill C-18. This is the litmus test. If they vote for NDP-16, they are showing the importance of improving the bill and making sure that it's accessible to community newspapers and online news publishers right across the country.

With that, Madame Chair, I hope that this passes unanimously. This will be an important improvement to make sure Bill C-18 really does what it needs to do, which is ensure that the big tech giants actually start funding journalism right across the country, including in communities throughout the length and breadth of Canada.

• (1345)

The Chair: Thank you.

Before we continue discussing this amendment, I want to remind everyone what I had said earlier when we were discussing CPC-19. If NDP-16 is adopted, CPC-20 and G-2 cannot be moved, because of a line conflict. I'm just reminding everyone about that.

Go ahead, Madam Clerk.

The Clerk: Just to let you know, I have Monsieur Champoux, Ms. Gladu, and Mrs. Thomas.

The Chair: Thank you.

Martin, please go ahead.

[*Translation*]

Mr. Martin Champoux: Thank you, Madam Chair.

Subparagraph 27(1)(b)(i) of Bill C-18 is still useful. It shows the importance of discussing and reflecting, and then speaking with the various stakeholders involved in a bill, as this can produce results.

In this case, I must confess that I was concerned from the outset about the situation of very small regional media, which are no less rigorous because they are small. They are struggling these days, and have been for years now, since the arrival of the web giants.

However, I also have a very serious concern with Bill C-18, and that is that we need to ensure that the news businesses that will be regulated by this bill are serious and rigorous businesses. We will come back to it with other amendments later.

So I think it's important to set some parameters. Employing two journalists certainly shows that the news business is serious, or so one would hope. If a business hires more than one journalist, it's certain that you're not dealing with a blogger who is merely commenting on the news in their basement. So I think it's important to set some parameters to prevent people from falling through the cracks and taking advantage of Bill C-18.

A compromise was reached by allowing that one of the two journalists could also be an owner or have an arm's length relationship with the business. This compromise will certainly cover a fair number of small regional media, which are the ones we want to protect with this bill.

[*English*]

The Chair: Thank you.

Marilyn, please go ahead.

Ms. Marilyn Gladu: Thank you, Chair.

Previously, I did state the point about supporting.... We need to make sure organizations that had the owner or a partner as a journalist were included, so I've already said that.

Mr. Julian continues to try speak on behalf of the Conservatives' intention with respect to this bill, so I want to reiterate that I do not support Bill C-18. If you were to look to the voting record, you would see that clause 3—the clause regarding the purpose of the bill being to help small media organizations—is the only thing I voted for. I do agree that we should do that. I just don't think this bill will achieve it.

Mr. Julian has put it out there that if we vote for his amendment, we're essentially supporting Bill C-18, so naturally I wouldn't be able to support his amendment.

The Chair: Thank you, Ms. Gladu.

Mrs. Thomas, please go ahead.

Mrs. Rachael Thomas: I wonder if the officials could maybe answer a question or two.

The amendment before us says that it will support journalists, a minimum of two of them. There have to be two journalists still, because the CPC amendment was shot down, so there still have to be two journalists in order to be considered for this legislation, but those journalists can own or partner in the news business. It goes on to say, “and journalists who do not deal at arm’s length with the business.”

I'm curious about this phrase “do not deal at arm's length.”

● (1350)

Mr. Thomas Owen Ripley: This is an issue that has come up, particularly from smaller ethnic media news organizations. It's specifically in the context where there may be a family member involved, for example, in the operation of the news business. It's a recognition that typically, in your usual kind of employer-employee relationship, there's an arm's-length nature there. This is clarifying that you can have a journalist who is not at arm's length from the news business.

The Chair: Thank you.

I see Mrs. Thomas. Did you still wish to speak?

Mrs. Rachael Thomas: Yes, thank you.

Perhaps I misunderstood your last statement. The amendment that's been brought forward says, “journalists who do not deal at arm's length with the business”. That would mean, according to this amendment.... Could you put flesh on that in terms of what that means?

Who is not coming under this legislation, then?

Mr. Thomas Owen Ripley: Thank you, MP Thomas.

Just taking one step back to the starting point for clause 27, eligibility means the QCJO criteria, which we've discussed at length in this committee. In the context of interpretation of QCJO, the question has come up around the arm's-length nature of journalists.

Given that the point of departure is that QCJO status, there were concerns from smaller news businesses where one of the journalists is related to the news business because they're a family member to the publisher or to the owner. The concern was that they would be excluded from the current two-journalist criterion.

This is clarifying that notwithstanding that familial connection, that journalist would count towards the two-journalist criterion.

Mrs. Rachael Thomas: Okay.

The Chair: Does that satisfy you, Mrs. Thomas?

Mrs. Rachael Thomas: Yes, that's more clear. Thank you.

The Chair: Thank you.

Go ahead, Mr. Waugh.

Mr. Kevin Waugh: Thank you, Madam Chair.

My concern still is the one journalist in this conversation on Bill C-18.

I will go back to the testimony once again from Alberta and Saskatchewan. The majority of newspapers in these two provinces.... I can't speak for B.C. because we didn't have anyone come forward for B.C., Ontario or the Maritimes. These issues in

this province and in Alberta are not good. Eighty percent of the money that comes from Bill C-18 will go to the public broadcaster, along with the big telcos.

What they have left here, and the discussion that we're having on NDP-16, is that we still need two journalists, which of course can be the owner and can be an investor. The QCJO status is an issue. I've talked to many journalism universities in this province. Fewer and fewer people are getting into journalism, so this is another issue that we're going to have.

To survive in rural Canada today, one journalist is required. Two would put many of these operations out of business when they're thinking they're going to get \$30,000 to \$50,000 per year, when in fact they'll get \$300 to \$500 per year because there's nothing in it for them from Google and Facebook. It's all eaten up by the big boys.

The Chair: Thank you, Mr. Waugh.

Go ahead, Mr. Julian.

The Clerk: Dr. Fry, I have Mrs. Thomas and then Mr. Julian.

The Chair: Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: There is no reason to exclude those news businesses with one journalist other than simply to be punitive. That's extremely sad.

The Chair: Thank you, Mrs. Thomas.

Go ahead, Mr. Julian.

Mr. Peter Julian: Thank you, Madam Chair.

We have the Conservatives throwing out a whole bunch of figures left, right and centre. I have no idea where those figures come from, so I wanted to ask our officials to what extent NDP-16 would enlarge the number of small community newspapers and online news publishers. Would it be able to benefit from this money from big tech?

Secondly, my question is simply this: If we just stop moving forward on Bill C-18, which is what the Conservatives want, what would that mean in terms of those newspapers and online publishers across the country? If we don't have Bill C-18 at all, how many news publications would go bankrupt in the coming years?

I've certainly seen big tech taking so much money out of my constituency that we've lost half of the community newspapers over the last few years.

I'm asking the officials, I guess, three things.

Where do these figures come from, or are they aware of these figures that are being thrown around by the Conservatives? What is the impact of not adopting Bill C-18? What is the impact of NDP-16 in terms of enlarging the number of publications that benefit from big tech finally being forced to provide support for journalism in this country?

• (1355)

The Chair: Go ahead, Mr. Ripley.

Mr. Thomas Owen Ripley: Thank you, Chair.

Thank you for the question, MP Julian.

What I can share with you is what has been shared with the department by certain news associations. Representations have been made here by a number of folks.

One is the National Ethnic Press and Media Council of Canada, which is an association of smaller news outlets with membership in the hundreds. They have been concerned by the criterion of having two regularly employed journalists.

The amendment you're moving, Mr. Julian, would certainly help a proportion of their membership. It will not help their entire membership. They have indicated that having the amendment specifically with respect to the arm's-length nature of the relationship, as well as including the owner and publisher, is a meaningful change.

News Media Canada has indicated—they have membership in the hundreds as well—that currently about a hundred of their members would face a hurdle when it comes to the two-journalist criterion. Again, the change that you are moving is a meaningful one, recognizing that the owner or publisher can be included in that two-journalist criterion.

Finally, we have certainly heard from online news publications. Again, they have flagged that the two-journalist criterion is a barrier. They have advocated that it be reduced to one, as well as recognizing that news publishers and owners should be considered as part of that criterion.

From the government's perspective, I would simply underscore that if Bill C-18 passes, it's an important intervention, but it's not the only intervention that the government does in this space. There are several departmental programs that are specifically designed to support news outlets.

For example, the Canada periodical fund supports approximately 750 periodicals on an annual basis, including 385 print magazines, 291 print community newspapers, 65 digital magazines and 14 digital community newspapers.

Over the last several years we have also had the special measures for journalism component, which has expanded the eligibility to include free publications. That has supported an additional 792 recipients, which include free digital and small circulation periodicals, and has had an important impact in western Canada, where the free subscription model is more prevalent than perhaps in Ontario, Quebec or some of the other provinces.

The final piece I would highlight is the local journalism initiative, which has supported the hiring of 435 journalists in 2020-21.

Again, that's a program specifically designed to help scale up news businesses to hire additional journalists in underserved areas.

From the government's perspective, we recognize the challenges faced by smaller outlets. The two-journalist criterion currently in the bill—I certainly recognize that it's being debated right now—was fundamentally about recognizing that the goal is to support news businesses, just as the labour tax credit is, and that you have to find a way to make that distinction between an individual citizen journalist, a blogger, and individuals who are really committed to growing a news business.

• (1400)

Mr. Julian, on your second question, I would simply highlight that news businesses continue to see shrinkage in the news sector in this country. While we have seen news outlets open—particularly in the digital space—we're still seeing overall shrinkage. Bill C-18 is fundamentally about supporting the sustainability of the sector as these news businesses adapt to a digital news model.

The Chair: Thank you very much.

I see Ms. Gladu's hand up, with Mr. Waugh following you.

Ms. Marilyn Gladu: Thank you, Chair.

I'm glad to hear Mr. Ripley tell us that if Bill C-18 doesn't go forward, there are other forms of help that are already in place. I think it bears repeating that Facebook and Google are on the public record saying that they would be willing to donate funds that could go into a fund that would be managed by representation from the different provincial, indigenous and territorial small media outlets across the country. That would avoid all of the government bureaucracy and the tendency to interfere with the freedom of the media.

That said, we had some examples that Mr. Ripley cited of organizations that have fewer than two journalists that would be excluded and impacted.

Mr. Ripley, do you have a number of how many organizations in Canada would meet the other criteria, like being journalists or news organizations as part of the Income Tax Act or being licensees with the CRTC?

How many organizations would have fewer than two journalists and be impacted?

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

I don't have a specific figure for you. Our data, again, is based on those organizations that made representations to us.

The National Ethnic Press and Media Council is an example. It would need to be confirmed, but I believe their membership is approximately 700. Again, that would include very small news outlets that would fall into the one journalist category. They have also indicated that if the eligibility criteria is broadened to include two journalists—but including the owner-operator, as well as journalists who do not deal at arm's length—that would include a proportion of their membership.

Again, it would be the same thing with News Media Canada, whose membership, I believe, is in the 500s. As I've mentioned, they have indicated that there were about a hundred of their outlets and their members facing this barrier.

On the third group that I mentioned that has engaged with us, which is the online news publications, I don't have a specific number. However, again, they have shared those concerns.

● (1405)

Ms. Marilyn Gladu: Certainly the hundreds and possibly more than a thousand organizations that would be excluded are exactly the kinds of organizations that we want to help.

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

Based on the representations that have been made to us.... Again, it is some proportion of the National Ethnic Press and Media Council with 700-some members, as well as 100 members or so from News Media Canada.

If this amendment that MP Julian is proposing passes, I acknowledge that there would continue to be news outlets that employ one journalist that may not be eligible. There will still be some news businesses in that category. The amendment that MP Julian is moving would address part of the problem.

Ms. Marilyn Gladu: Thank you.

The Chair: Thank you.

Go ahead, Mr. Waugh.

Mr. Kevin Waugh: This is my last intervention.

I'm really disappointed, Mr. Ripley. We have a chance to perfect Bill C-18. We're passing a bad bill. Is that better than not passing this bill at all?

You have just admitted there will be organizations that do not meet the criteria of Bill C-18. We have a chance right now, all parties around this table, to correct this. You have heard from many stakeholders that they need one journalist—not two; one. You cited the Canadian Periodical Fund and the local journalism fund. You've also said there is shrinkage. We all know around this table that there has been a lot of shrinkage. I can bring a newspaper from my province that sold for \$1.

Would Mr. Julian accept an amendment to make Bill C-18 even better for all Canadians by having one journalist instead of two? Would Mr. Julian agree to that to make this bill what it should be, a good bill for all Canadians, instead of leaving out many rural Canadians in Bill C-18?

Would you amend the bill to accept all Canadians and businesses trying to make a living in this country, Mr. Julian?

The Chair: Peter, did you want to respond to that question?

Mr. Peter Julian: I thought it was a rhetorical question, Madam Chair, but I am pleased to respond to the Conservatives' incomprehensible strategy on Bill C-18.

I am stunned by the whiplash we get from them not supporting it all, trying to stop it, trying to block it completely, and then all of a sudden saying they're in favour of it, but now they're saying they're opposed. I mean, they're doing this sometimes on the same amendment, being both opposed and in favour of Bill C-18. It's just mind-blowing.

I don't where they're going on this. All the witnesses they lined up were folks they wanted to get to say they opposed Bill C-18. It has been incomprehensible to determine where Conservatives are going on this bill.

The reality is that when the Conservatives were in power in that dismal decade we lived through under Harper, these news businesses were collapsing because the Conservative government refused to make sure we were putting in place protections against big tech, so big tech, big banks, big oil and gas had a field day, and regular people really suffered.

I hope this means the Conservatives will support NDP-16. We now know the vast majority of news businesses will benefit from this. This essentially ensures that many news businesses will benefit. The independent online news publishers of Canada strongly support this idea. I hope Conservatives will get with the program; however, I'm mystified by where they are on this. Either they don't understand the bill or... I don't know what. The confusion around where the Conservatives stand on Bill C-18 has been mystifying.

I hope they will vote and support NDP-16. There's a wide variety of media calling for it.

● (1410)

The Chair: Thank you, Mr. Julian.

Mrs. Thomas, please go ahead.

Mrs. Rachael Thomas: Mr. Ripley, the preamble of this bill talks about the sustainability of news media sources. You used that word in your last response. You used the word "sustainability".

I'd be interested to know from you how this bill will contribute to news businesses with one or one and a half journalists in order to make them sustainable.

Mr. Thomas Owen Ripley: Through the chair, one observation I would make off the top is that I believe there was an earlier reference to two full-time journalists. That's not the case. It's two regularly employed journalists, which would include—with respect to the first part of your question—two journalists working part-time or one journalist working full-time plus a journalist working part-time.

With respect to the question around one journalist, I acknowledge that as drafted, and even with MP Julian's motion, if it passes, a one-journalist operation would be excluded from the ambit of this bill. I acknowledge the policy debate that's taking place on this point.

The challenge is that there needs to be a mechanism to determine the difference between an individual and a news business or a news organization, so the QCJO.... One reason that the two-journalist criterion was chosen in that context was to make that distinction. Fundamentally, it's a labour tax credit. It's about supporting a news business, and the fact that you have more than one individual is one indication that you're growing a business.

That distinction needs to be made somewhere because, at the end of the day, the mechanism that the bill sets up is that these organizations' eligibility would be determined by the CRTC, and there needs to be appropriate guidance about where that distinction is between supporting an individual versus a news business.

The Chair: Thank you, Mr. Ripley.

Go ahead, Kevin.

Mrs. Rachael Thomas: No, I'm sorry, Chair—

The Chair: I'm sorry, Mrs. Thomas; You have another question. Go ahead.

Mrs. Rachael Thomas: Thank you.

Mr. Ripley, I realize that was quite a lengthy answer, so I'll give you another opportunity to be succinct.

This bill talks about the sustainability of news outlets. You've used that word and the minister has used that word. I'm just curious how this bill will contribute to the sustainability of those organizations that have one or one and a half journalists.

They meet all the other criteria, but they have one journalist or one journalist and a half-time journalist. How will this bill foster their sustainability?

Mr. Thomas Owen Ripley: With respect to one and a half, depending on the nature of it, the organization employs two journalists. If those two journalists were employed on a regular basis, that organization would be included.

An organization where there's only one journalist, as I previously mentioned, would not be included under the eligibility criteria of clause 27.

The Chair: Thank you.

Have you finished, Mrs. Thomas?

Mrs. Rachael Thomas: Thank you, Chair. I'm done.

The Chair: Thank you.

Go ahead, Kevin.

Mr. Kevin Waugh: I want to thank Mr. Ripley for clearly identifying a flaw in Bill C-18.

Madam Chair, I would like to have a subamendment to add “one journalist”.

• (1415)

The Chair: Would you like to add that to NDP-16?

Mr. Kevin Waugh: I would.

The Chair: Would you like to read out that subamendment and where it would go in the motion currently before us?

Mr. Kevin Waugh: Yes.

“Canada, which journalists may include journalists who own or are a partner in the news businesses and journalists who do not deal at arm's length....”

That's NDP-16.

The Chair: Yes. You said you wanted to add “one journalist”. Where in that amendment would you like to add it?

Mr. Kevin Waugh: I might need some help from Mrs. Thomas, who's on the floor. That's where I would like to add it. I'm just trying to find where we could add that, because there are flaws, as we've heard from Mr. Ripley and department officials, and to strengthen Bill C-18, we would like to add that. I would just like to add the subamendment that one journalist would qualify.

Rachael, can you help me out? You're on the floor, and you have people around you there. Is there any way that we can work this subamendment in?

The Chair: I would like to—

Mr. Peter Julian: I have a point of order, Madam Chair.

The Chair: We have Mr. Julian.

Mr. Peter Julian: What Mr. Waugh is attempting to do is start again a debate that we've already had in committee. I imagine it's to filibuster the bill again. We have already considered that amendment. It was not adopted by the committee for the reasons that I think the officials have spelled out. With NDP-16, part-time journalists who are regularly employed would be included. The only folks excluded are a one-person shop that doesn't even have a part-time journalist working with it. It doesn't meet the criterion in any other way.

We've already had the debate. I would suggest that it's out of order to come back to that. Otherwise, we'll be spending weeks going back over Conservative amendments that have already been rejected that they try to reinsert later on.

Since it's out of order, I hope we can move to a vote on NDP-16. Lots of online news publishers and community newspapers are waiting.

Mr. Kevin Waugh: Okay, Madam Chair, we've heard. We know where we're at on this. It was a good try, but we'll move on for the sake of the committee.

I'm not happy about it, and you know that. That's on the record.

The Chair: Thank you.

Now I will ask the question. Shall NDP-16 carry?

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

The Chair: NDP-16 carries, and therefore CPC-20 and G-2 have been removed.

We now move on to CPC-21.

● (1420)

Mrs. Rachael Thomas: Thank you, Madam Chair. I will speak to this amendment.

CPC-21 is meant to make sure that this legislation carries out its stated intent, which is to support.... Actually, I think we're not unfortunately going to end up supporting the little guys with this. The stated intent, at least, was to support local newspaper outlets. Then of course it got expanded to broadcasters.

The point here is that funding would not be going to entities that are foreign in nature, from a foreign state. Those entities, those news businesses, would not be supported or able to bargain within the framework of this legislation, Bill C-18. That is the intention behind CPC-21.

The Chair: Thank you.

Is there any discussion?

The Clerk: I have Mr. Housefather and Mr. Champoux.

The Chair: Go ahead, Anthony.

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

I want to thank my colleague Martin Shields for having inspired me on this one. He challenged me at the end of our last meeting: If I agree with any of their amendments in principle but don't like the wording, I should fix them.

I drafted a different amendment that will come later in the package. It goes to the heart of what I think is the important part of this amendment. I disagree on the question of a newspaper that has journalists.... Let's say a local newspaper with three journalists is owned by somebody from the States. I disagree that they shouldn't get funded under the bill. I don't think an entity has to be controlled by Canadians, because there could be newspapers that are purely Canadian newspapers employing journalists who are Canadians, yet aren't owned by Canadians. They are covering news in Canada. Why wouldn't they be covered?

I think the intention of this was.... There are bad foreign actors, like Russia or Iran. Those entities shouldn't be covered by the bill, so I propose a different kind of amendment saying that any news

business owned and controlled by an individual who is a subject of sanctions per the three acts under which we sanction people wouldn't be covered, nor would any news business that has its headquarters in a foreign state that is a subject of measures under the Special Economic Measures Act. Therefore, any entity headquartered in Russia or Iran couldn't be covered, either.

That's where I could see it. I have no trouble if The Wall Street Journal has a Canadian bureau that employs five people and gets funding for the five people in its Canadian bureau. What I don't agree with is.... Of course, we don't want the Iranians or Russians or other countries that are not friends of Canada to get that funding.

This is what I got from the amendment and that's where I am proposing to go. I'm not going to vote for this, but I appreciate the thought, because it inspired me to craft something that I think does much of what is done here.

The Chair: Thank you, Mr. Housefather.

I will go to Martin Champoux.

[*Translation*]

Mr. Martin Champoux: Thank you, Madam Chair.

I have more or less the same reasoning as Mr. Housefather. I would have voted in favour of CPC-21, had it not been for the new amendment submitted by Mr. Housefather earlier. I must admit that I really liked CPC-21. It was an interesting and entirely legitimate precaution.

However, I appeal to the open-mindedness of my colleagues, and I invite them to welcome this new amendment, which is well drafted and responds in a slightly clearer way to our concerns and those set out in CPC-21.

That's why CPC-21 won't be my preference, but it's not because I don't like it. I wanted the Conservatives to know that.

● (1425)

[*English*]

The Chair: Thank you.

Go ahead, Mr. Julian.

[*Translation*]

Mr. Peter Julian: Thank you, Madam Chair.

I agree. I wonder if it wouldn't be legitimate to consider Mr. Housefather's proposal—

[*English*]

The Chair: Excuse me, Peter. There is no translation.

[*Translation*]

Mr. Peter Julian: Okay. I'll wait until you give me the signal.

[English]

The Chair: Could you please hold off for a second while we find out what's going on?

The Clerk: We have translation, Dr. Fry.

The Chair: Thank you.

Go ahead, Peter.

[Translation]

Mr. Peter Julian: Okay.

It seems to me that Mr. Housefather's amendment would be worth considering. As Mr. Champoux pointed out, the Conservative Party's amendment CPC-21 was intended to make an acceptable, if not desirable, change to Bill C-18, but I too think Mr. Housefather's amendment is clearer, although I have some questions about that.

I'd just like to know when we can consider Mr. Housefather's amendment. It seems relevant to me, given that we're already debating these amendments.

[English]

The Chair: I don't know whether Mr. Housefather has written his amendment or whether both the legislative clerk and our committee clerk have seen it.

Shall I suspend while we find out about that?

Mr. Anthony Housefather: Madam Chair, you have a copy in your emails. The clerk distributed it about an hour and a half or two hours ago, so everybody does have it.

The Chair: Shall we suspend while people go into their emails to see it?

[Translation]

Mr. Martin Champoux: Madam Chair, I think everyone has read Mr. Housefather's amendment.

[English]

The Chair: Has everyone had a chance to read Mr. Housefather's amendment?

Yes. Everyone's shaking their heads yes, but that would again be dependent on whether or not Mrs. Thomas would agree to withdraw this amendment in favour of Mr. Housefather putting his up. If she doesn't, we will have to therefore vote on this particular amendment and then consider Mr. Housefather's.

Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: The intention of bringing forward this amendment, CPC-21, is to make sure that we're contending for eligible news businesses that are here in Canada.

We heard from a number of witnesses that they were concerned that if we allowed for foreign entities to be able to enter into negotiations, they would then be essentially taking away from what was possible for Canadian-headquartered news outlets. We heard from many of them that this change was desired and we're here to advocate on their behalf.

On this language we use in this amendment, it's on clause 27, and changes line 11 on page 10 by saying:

is effectively owned and controlled by Canadians

This phrase, "is effectively owned and controlled by Canadians", is actually taken from the Broadcasting Act. It is consistent with that.

The next component we're offering, under proposed subparagraph 27(1)(b)(ii.2), goes on to say:

receives no funding from a foreign state as defined in section 30 of the Competition Act, an agent of a foreign state or an entity that is controlled by a foreign state

Our goal there is to make sure outlets in Canada are protected and that we don't have foreign outlets receiving funding by being able to enter into these negotiations and be protected by, or within the confines of, Canadian law. That seems very unfair—

• (1430)

The Chair: Mrs. Thomas—

Mrs. Rachael Thomas: —to these smaller outlets.

Yes, Chair?

The Chair: Mrs. Thomas, the question we're asking is that everyone agrees with the intent of your amendment, but what most people are saying is that the one Mr. Housefather sent is actually clearer. Therefore, my question was, do you want to withdraw this so that we can vote on Mr. Housefather's or do you want us to vote on yours and then go to Mr. Housefather's?

Mrs. Rachael Thomas: Mr. Housefather's proposal still allows for foreign news entities to receive funding by entering into negotiations protected by Bill C-18. We're just not able to support that, because of course outlets have asked that this not be the case, so no.

The Chair: Thank you very much.

Then I think I shall ask—

Mr. Philippe Méla (Legislative Clerk): I'm sorry, Madam Chair. It's the legislative clerk here.

The Chair: I'm sorry. Go ahead, Mr. Méla.

Mr. Philippe Méla: I just wanted to point out that Mr. Housefather's amendment is on line 20 on page 10, and there are several other amendments that are in between CPC-21 and Mr. Housefather's.

If Mr. Housefather's amendment were to be considered and adopted, we could not go back to the ones that are before his, unless you have unanimous consent to do so. I just wanted to highlight that for the committee.

The Chair: All right. Thank you very much.

I don't have it in my notes. Where did you say Mr. Housefather's amendment would go in the list of amendments that we have?

Mr. Philippe Méla: Mr. Housefather's amendment goes just before CPC-23, but it addresses line 20 on page 10, and we have CPC-22 that comes before that, and NDP-17, BQ-4, NDP-18, NDP-19 and NDP-19.1 come before that. Since we have to do the bill in the order of the text of the bill—

The Chair: Thank you, Mr. Méla.

What I will do is call the question. Mrs. Thomas was pretty clear.

Go ahead, Clerk.

The Clerk: Mrs. Thomas has her hand up, Dr. Fry.

The Chair: Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Thank you. I want to be certain.

I guess this is for the legislative clerk. My understanding of the Liberal one is that it's an amendment, not a subamendment. It means that we'll consider it later on, when its turn comes.

That would mean, then, that CPC-22 and those others that you listed could still potentially be considered.

The Chair: Yes.

Mr. Philippe Méla: Madam Chair—

The Chair: I think that was what Mr. Méla said.

Go ahead, Mr. Méla.

Mr. Philippe Méla: Yes. If we did it in the order in which they were put in the package, the answer is yes.

The Chair: Thank you.

Right now, we're dealing with CPC-21. I shall ask the question.

Shall CPC-21 carry?

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

The Chair: We're going to go to CPC-22.

Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Thank you, Madam Chair.

CPC-22 replaces lines 12 to 15 on page 10 with the following:

“(iii) produces news content that does not consist primarily of paid promotional material for the products, services or activities of the owner of the news business or any of its affiliates, or for those of a third party.

Essentially, what we're trying to get at here is there are times when, for example, the front page of a newspaper is taken and used for advertising purposes, rather than for news. It's a paid-off, full, entire page—sometimes even several full pages—that appears to be news, but is actually paid-for content.

We don't believe that this material should be rewarded.

• (1435)

The Chair: Thank you.

I can see two hands in the virtual space.

Is there anyone on the floor, Clerk?

The Clerk: Yes, Dr. Fry. I have Mr. Bittle, Ms. Gladu and Mr. Waugh.

The Chair: Thank you.

Mr. Waugh and Ms. Gladu I can see, but Mr. Bittle....

Mr. Bittle, go ahead.

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

The concern that is addressed in this amendment about promotional material is already dealt with in proposed section 31, which

clarifies what content can be bargained for. It excludes outlets intended to promote particular interests.

As such, I'll be opposed to this amendment.

The Chair: Thank you.

Go ahead, Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Chair.

I have a question for Ms. Thomas.

If the government gives \$595 million to news outlets to say nice things about them in the lead-up to an election, is that considered paid promotional material?

The Chair: Mr. Ripley, would you like to answer that question?

Mr. Thomas Owen Ripley: It was a question for MP Thomas, I believe.

The Chair: Yes. I would like to know the answer, though, from your perspective at some point.

MP Thomas, do you have an answer for that?

Mrs. Rachael Thomas: I would let my friend Mr. Ripley respond, should he wish to do so.

Mr. Thomas Owen Ripley: It's so generous of you, MP Thomas.

Thank you for the question, MP Gladu.

No, the government's position would be that the tax credit framework, which is what underpins your question of \$595 million, does not constitute paying for promotional material.

Ms. Marilyn Gladu: I'm sure that would be the government's opinion.

The Chair: Thank you, Ms. Gladu.

I shall go to Kevin.

Mr. Kevin Waugh: Thanks, Madam Chair.

I'm looking at the National Post today. It says “There's no present like the present”. It's a Jack Daniel's ad on the front page of the National Post, along with several car ads.

We've brought this up in the past, and it's kind of interesting that now The Globe and Mail, the Toronto Star and the National Post, in particular, are selling ads on their front pages. I should also add that the Toronto Sun today has Leon's “breaking news”.

It's a concern for editorial people out there, but we also know that if the newspapers can sell an ad, they will. That's all I'll say.

The Chair: Thank you, Mr. Waugh.

Is there any further discussion?

Shall CPC-22 carry?

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

The Chair: We are on amendment NDP-17.

Go ahead, Mr. Julian.

Mr. Peter Julian: I'm pleased to announce, Madam Chair, that I'm withdrawing NDP-17 for the consideration we're going to have of BQ-4.

The Chair: Thank you.

We shall now move to BQ-4.

[*Translation*]

Mr. Martin Champoux: Madam Chair, it's a wise decision on the part of my colleague Mr. Julian. I thank him for it and salute him.

BQ-4 is near and dear to me because it adds journalistic rigour to Bill C-18.

In preparation for the committee's work, I had the opportunity to speak with various journalism associations, including the Quebec Press Council, the Fédération professionnelle des journalistes du Québec and other stakeholders.

I was wondering how we could incorporate the basic principles of journalism, which are rigour, independence and fairness, into Bill C-18. We have racked our brains to try to find the best possible wording—I know others have tried—but simplicity is always the most effective solution.

Therefore, through this amendment, I propose to add the following subparagraph to paragraph 27(1)(b) to require the following from an eligible news business:

(iv) is a member of a recognized journalistic association, follows the code of ethics of a recognized journalistic association or has its own code of ethics whose standards of professional conduct require adherence to the recognized processes and principles of the journalism profession, including fairness, independence and rigour in reporting news and handling sources.

In my opinion, it makes perfect sense to ask businesses that will benefit from the framework put in place by Bill C-18 to adhere to these ethical principles. If they are not members of a recognized journalistic organization or association, they must at least adhere to a code of ethics that meets those criteria if they do not have one. This amendment is quite permissive and quite broad. We're not requiring companies to be members of an organization or an association, but we're asking them to adhere to these principles and to commit to them.

• (1440)

[*English*]

The Chair: Thank you.

Is there any discussion with regard to this?

Go ahead, Mr. Housefather.

[*Translation*]

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

I am fully in favour of the amendment proposed by my colleague Mr. Champoux.

We discussed this in the House of Commons, and I would like to suggest a friendly subamendment by adding two words to the French version, as follows: “elle est soit membre d'une association journalistique reconnue et adhère au code de déontologie d'une association journalistique reconnue ou dispose...”.

[*English*]

In English, it would say, “either a member of a recognized journalistic association, and follows the code of ethics of a recognized journalistic association, or has its own code of ethics...” That's just to be clear that there are two options. They can either be a member of the association and follow that code of ethics or have their own.

[*Translation*]

I really hope my friend Mr. Champoux will accept my friendly amendment.

Mr. Martin Champoux: Madam Chair, may I respond to my colleague Mr. Housefather?

[*English*]

The Chair: Yes, please.

[*Translation*]

Mr. Martin Champoux: The enumeration is quite clear in the French version. First, there are commas between the various elements. Second, the wording “ou dispose de son propre code” suggests that there is a choice.

However, I fully agree with my colleague's amendment if it allows for more clarity and better understanding. What I'm looking for is a clear statement that news businesses must adhere to the principles. If they do that by joining an association, so much the better. If they adhere to the principles by creating their own code of ethics, I have no problem with that. If my colleague's friendly amendment makes things clearer, I will gladly accept it.

[*English*]

The Chair: Thank you.

Go ahead, Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Chair.

Absolutely, I think it's important that they follow a code of ethics, etc. However, a very valid point was raised by students. A lot of times students in journalism schools are writing for various organizations. They are not yet accredited; they don't have credentials. They're writing on their own dime. They're not necessarily covered under the school for that. We heard that a lot of times, volunteers in the community-based radio stations wouldn't have their own accreditations.

I wonder if we could add to this. We could take Mr. Housefather's recommendation, which is that it is either a member of a recognized journalistic association and follows the code of ethics of a recognized journalistic association or has its own code of ethics whose standards...and I would add "or is under the supervision of one of the aforementioned".

The Chair: Where would you put that, Ms. Gladu?

Ms. Marilyn Gladu: I would put that right at the end. I would say, "or is under the supervision of the aforementioned".

That way it's clear that there are these different choices of how they can be structured and that volunteers or students who are under their supervision would also be included.

• (1445)

The Chair: Thank you.

Is anyone opposed to Mr. Housefather's...?

Oh, I'm so sorry. I forgot. We'll go to Peter Julian and then Michael Coteau.

The Clerk: It was actually Mr. Julian, Mr. Champoux and then Mr. Coteau.

The Chair: Okay, thank you.

[*Translation*]

Mr. Peter Julian: Thank you, Madam Chair.

I have a question for the legislative clerk.

Our amendment on the page immediately following NDP-19 deals with the code of ethics. I wanted to know if we would be better off moving it as a subamendment here and then finishing the discussion on these clauses later. I wouldn't want the adoption of BQ-4, which we are discussing, to make it impossible to study our amendment dealing with the code of ethics.

[*English*]

The Chair: Go ahead, Mr. Méla.

Mr. Philippe Méla: Thank you, Madam Chair.

Can I just have a minute to look at it, please?

The Chair: Take what you need.

Shall we suspend? Is it really a minute, Mr. Méla, or is it more?

The Clerk: I need a minute or two. I'll be brief for sure.

[*Translation*]

Mr. Peter Julian: Madam Chair, you could also continue and come back to me later.

[*English*]

The Chair: While Mr. Méla is looking at this, I still have not received an answer about whether... We cannot have three subamendments on the table at the same time.

The first subamendment was Mr. Housefather's, which said it either is a member of a recognized journalist organization or follows a code of ethics, etc.

Is there any opposition to Mr. Housefather's subamendment?

Go ahead, Martin.

[*Translation*]

Mr. Martin Champoux: Madam Chair, since Mr. Housefather's subamendment was in turn amended by Ms. Gladu, we should decide whether we are discussing what was proposed by Ms. Gladu or Mr. Housefather. They are two different things.

[*English*]

The Chair: Yes, but she has a very different subamendment from Mr. Housefather's. We need to deal with them one at a time while Mr. Méla is considering Mr. Julian's question, so let us deal with it.

After "and handling sources", at the end of the sentence Ms. Gladu added a subamendment that added that they are "supervised" by a journalistic body or journalistic association.

Is there any opposition to that?

The Clerk: Dr. Fry—

Mr. Michael Coteau (Don Valley East, Lib.): I had a question about the amendment and the main motion together before we vote on everything.

The Chair: Well, ask your question, Mr. Coteau.

Mr. Michael Coteau: That's why my hand was up. I had my hand up, Chair.

The Chair: I'm sorry, Mr. Coteau. Please speak.

Mr. Michael Coteau: I just wanted to know, because I'm not familiar with the journalistic codes that they have in place, when we say someone must adhere to journalistic professionalism and a code, is there a standard in Canada that falls outside of the association, or in general practice is it just what they are taught in university and schools?

The Chair: I think there's a journalistic code of ethics. I'm not sure.

Does anyone else want to answer that?

I think there's a journalistic code of conduct.

[*Translation*]

Mr. Martin Champoux: I would be pleased to, Madam Chair.

[*English*]

The Chair: Yes, Martin, please go ahead.

[*Translation*]

Mr. Martin Champoux: Mr. Coteau's question is indeed quite relevant.

There is a general code of ethics for journalists, and it reflects the recognized principles that I proposed in BQ-4, which are intrinsic to the work of journalists and that guide their daily work: independence, fairness and rigour in the treatment of the news and sources.

[English]

Mr. Michael Coteau: I'm only asking this because I don't know the answer. Maybe I should have paid more attention to this aspect when we were presented with this amendment a while back. If organizations have to adhere to their own code that they have developed based on some guiding principles, as we've just heard, could they technically avoid certain things?

I know this might sound crazy, but what stops them from spreading hate and saying that's part of the journalistic code that they've established, versus through an association? I know that it becomes debatable.

I want to know how you approach that. It would come down to interpretation and what people feel if it's left to themselves to actually find what they think that code of ethics sounds like. It seems very loose in the sense that they have to have their own code of ethics. If there's no absolute standard out there, then it's really just an opinion.

• (1450)

[Translation]

Mr. Martin Champoux: May I say something, Madam Chair?

[English]

The Chair: Yes, Mr. Champoux. Please go ahead.

[Translation]

Mr. Martin Champoux: Mr. Coteau, that is the difference between journalistic coverage and opinion journalism, the editorial. A newsroom can be part of a business, a newspaper, for example, where columnists and editorial writers are going to express opinions that you might find offensive in some respects. However, that remains an editorial, an opinion.

Here we're talking about the content that comes from newsrooms. We agree that a journalist is a human being who has emotions and opinions and who will lean one way or the other. However, in theory, the job of a journalist requires that the person doing it must disregard their biases in reporting the news. Does this mean that the result is always absolutely neutral? I don't think so, but as much as possible, the journalist should do their best to deal with the news independently and fairly and rigorously.

So we have to make that distinction, and that's often what creates confusion with this bill. It also creates confusion when we talk about the reputation of mainstream media. People confuse the editorial policy of a newspaper, its position, with the work that comes out of the newsroom. For example, I think we all agree that in Quebec, La Presse and Le Journal de Montréal do not have exactly the same editorial position. However, we can agree that the work of journalists in newsrooms is done according to the recognized principles for the journalistic profession.

In short, it's important to distinguish between what comes from the opinions or editorials of a media outlet and what comes from its newsroom, that is, purely and properly journalistic content.

[English]

Mr. Michael Coteau: Through you, Madam Chair, to Mr. Champoux, I would like just one piece of clarification. Wouldn't it

be the newsroom that would approve the op-eds? Therefore, there is a connection between the two.

The whole purpose of this piece is to put in place some type of qualification for eligibility.

You don't have to answer that, but that's where it just seems like a bit of a grey area. We can move forward. Otherwise, we're going to take too long. I just had a curiosity around that overall.

[Translation]

Mr. Martin Champoux: I'd like to chime in very quickly, Madam Chair, because I find this interesting.

[English]

The Chair: Mr. Champoux, please go ahead.

[Translation]

Mr. Martin Champoux: Mr. Coteau, you raise another good point. No, it's not the newsroom that authorizes or approves the editorial position. Generally, the editorial writer is an executive in the organization or company. The work of journalists is not guided by the editorial position and, conversely, the newsroom does not guide the editorial content. So there's a distinction to be made between the two, and that's often what leads to confusion, as I was saying earlier.

[English]

Mr. Michael Coteau: I appreciate it. Thank you so much. I appreciate your time.

The Chair: If I may, I would like to clarify something.

Mr. Champoux, are a certified journalist and a certified news outlet not also subject to the Criminal Code in terms of spreading a false message, libel, etc? That would fall under Michael's question about spreading hate or doing something like that.

Isn't that also something that journalists are subjected to, whereas an ordinary person just deciding to put out a piece and giving their opinion isn't subject to that mechanism?

• (1455)

[Translation]

Mr. Martin Champoux: As I was saying earlier, journalists covering news content of public interest, as defined in the bill, don't have an opinion to express. Journalists don't express opinions. Their job is to report the facts, and they have to do so with rigour in the treatment of the news and sources. Journalists don't interpret the facts on their own; they report them. It's important to treat the source with rigour and look for a variety of sources to support the content of a report.

A newsroom where journalists would make such comments or express such opinions would simply not be eligible. It would certainly not be considered an eligible news business under the act.

As for the Criminal Code question, I don't have an answer. I assume that there must be a framework of that nature. A self-respecting newsroom would never make that kind of comment. It simply wouldn't be considered a newsroom.

[*English*]

The Chair: Thank you very much, Martin.

I think Mr. Méla is ready to speak.

Before we go to Mr. Méla, we have Ms. Gladu's hand up as well.

I want to tell everyone that I think we're at 2:58 and, Madam Clerk, I don't know how many minutes we have left to play with. Is it five minutes?

The Clerk: We have three minutes, Dr. Fry.

The Chair: We have three minutes. All right.

I want to suggest that we have to find some order here. That order means to deal with one subamendment at a time, which is what I have been trying to do.

Before Mr. Méla speaks, Ms. Gladu, do you have anything to add to this particular discussion?

Ms. Marilyn Gladu: Yes, I am going to help you out, Madam Chair.

There are two things. One is to give points of information. The Canadian Association of Journalists does publish on their website their ethics guidelines, and other news organizations, such as Bell Media, would make sure that people who work for them sign on and agree to abide by the code of ethics of Bell Media, etc. There is another mechanism for students and volunteers to do something similar for their organizations, so I will withdraw my subamendment.

The Chair: Thank you very much.

That helps us. We have only one subamendment.

Mr. Méla, before we go to the vote on the subamendment presented by Mr. Housefather, can you give us your answer to the question?

Mr. Philippe Méla: Thank you, Madam Chair.

To the question of Mr. Julian, I note that the amendment says, “(1.1) The code of ethics referred to in subparagraph (1)(b)(iv)”. As it stands right now, there is no code of ethics referred to in this part of the bill. The only place it is referred to is in BQ-4, where it's mentioned at that place in the bill; otherwise, it doesn't refer to anything that has been adopted yet or that is in the bill at this point in time.

I would suggest that you subamend Mr. Champoux's amendment so your reference to “the code of ethics referred to in subparagraph (1)(b)(iv)” would refer to what's in Mr. Champoux's amendment.

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

[*Translation*]

Thank you very much, Madam Chair.

So I suggest we continue with Mr. Housefather's subamendment. I'll propose mine at the beginning of the next meeting.

[*English*]

The Chair: That's great. Thank you. That's what I was hoping we would be able to do.

Is there anyone opposed to Mr. Housefather's subamendment?

I know that Mr. Champoux is not. Is there anyone else on the floor?

All right. I see no hands.

The Clerk: There's a hand raised on the floor, Dr. Fry.

Yes. Whose is it, please?

The Chair: It's Mrs. Thomas's.

Mrs. Rachael Thomas: Thank you—

The Chair: We are speaking specifically to Mr. Housefather's subamendment.

Mrs. Rachael Thomas: Chair, I'm just looking to Mr. Housefather for some clarification. There's been quite a conversation, and we've bounced among various subamendments. Just to make sure I understand what I'm voting on, perhaps Mr. Housefather could clarify for absolute certainty what his subamendment is.

• (1500)

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

It's basically to add the word “either” after the word “is”, and to add “and” instead of the comma, so it would read “is either a member of a recognized journalistic association and follows the code of ethics of a recognized journalistic association or”. It just makes it clear that it's one or the other.

The Chair: Does that answer your question, Mrs. Thomas?

Mrs. Rachael Thomas: It does. Thank you, Chair.

The Chair: Thank you.

Is there anybody on the floor opposed to this subamendment by Mr. Housefather?

I see that no one is opposed to it.

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

The Chair: I don't think we have any other subamendments, because Mrs. Gladu actually withdrew hers.

Go ahead, Peter.

Mr. Peter Julian: I do have the subamendment that I'll move—

The Chair: I know, but we don't have time for it right now, Peter, so we can come back to it.

Mr. Peter Julian: I'm moving it. We have another minute, so I'm going to move that it be added as a subamendment.

[Translation]

It would add a new subclause 27(1.1) to Bill C-18, which reads as follows:

The code of ethics referred to in subparagraph (1)(b)(iv) must include measures for ensuring that no news content that promotes hatred or misinformation against any identifiable group is produced or made available and that any errors of fact are corrected promptly and in a transparent manner.

[English]

The Chair: Thank you. Perhaps we can deal with that as a first item when we get back to our next meeting, Peter.

Thank you very much. Have a good weekend, everybody.

It is now 15:03, so I will adjourn the meeting.

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