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Standing Committee on Canadian Heritage

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• (1105)

[English]

The Vice-Chair (Mr. Kevin Waugh (Saskatoon—Grasswood, CPC)): I'm going to call this meeting to order. Welcome to meeting number 59 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.

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.

I would like to make a few comments for the benefit of the witnesses and members. I know you're all familiar with this, but please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mike, and please mute yourself when you are not speaking. With regard to interpretation for those on Zoom, you have the choice, at the bottom of your screen, of floor, English or French. Those in the room have the earpiece and self-desired channels. I will remind you that all comments should be addressed through the chair, if you don't mind, this morning.

In accordance with the routine motion, I am informing the committee that all witnesses are present, except Mr. Ripley. Therefore, no connection tests in advance of the meeting were required. I don't think Mr. Ripley is on Zoom. He is coming a little later.

I now would like to welcome the witnesses from the Department of Canadian Heritage who are present to answer any of our questions about about Bill C-18.

Welcome again to Michel Sabbagh, director general, broadcasting, copyright and creative marketplace branch. We also have Joelle Paré, acting director, marketplace and legislative policy; and Pierre-Marc Lauzon, manager, legislative and parliamentary issues. We'll wait for Mr. Ripley when he decides to come.

Again, we have votes later in the hour, but we are resuming consideration of clause 27, amendment BQ-4, and consideration of Mr. Julian's subamendment.

(On clause 27)

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

[Translation]

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you very much, Mr. Chair. I'm very pleased to see you take over the chairmanship.

I know that Mr. Champoux's amendment is extremely important. Just before we adjourned the last meeting, I tabled a subamendment, and I hope it will have the support of the committee. It seeks to add the following paragraph:

(1.1) The code of ethics referred to in subparagraph (1)(b)(iv) [this is the one proposed by Mr. Champoux] 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 errors of fact are corrected promptly and in a transparent manner.

This would, through the code of ethics in the excellent Bloc Québécois amendment, reduce the hatred and misinformation we see in society.

Mr. Chair, as you know very well we have unfortunately been witnessing an increase in incitement to hate-based violence for several years. It's disturbing to see this across Canada. It is therefore important that the journalistic content that is supported by Bill C-18 be subject to this code of ethics so that hate and misinformation are not part of it.

• (1110)

[English]

We've seen a disturbing rise in hate, a disturbing rise in racism and misogyny, a disturbing rise in anti-Semitism and Islamophobia, and a disturbing rise in homophobia and transphobia. This is something we have to take action on. Journalism plays a key role in that. We've already talked about Bill C-18 playing a role in encouraging local journalism in a way that counters that hate and disinformation.

The reality is that what is foreseen in the Bloc Québécois amendment on a code of ethics is a code of ethics that must necessarily take into consideration hatred and misinformation against any identifiable group. This is something that I feel keenly is an important improvement to BQ-4, which is an excellent amendment that I'm prepared to support. This would ensure that the journalism supported by Bill C-18 is subject to that code of ethics that counters hatred and disinformation.

We have to take a stand. It's important. Bill C-18 provides a lot more community support. The improvements that we've provided to Bill C-18 provide for a lot more community journalism. It's important that this community journalism be subject to a code of ethics. It's important that this code of ethics includes measures that ensure that journalists at the community level and across the country are in no way promoting hatred or disinformation.

On that note, I will move the subamendment.

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

I think we have Mr. Champoux first and then Ms. Gladu.

[*Translation*]

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

I appreciate Mr. Julian's kind comments on amendment BQ-4, as well as his commitment, if you will, to solidify it.

It is often said that the best is the enemy of the good. In the case of the sub-amendment proposed by Mr. Julian, I feel that it is more of a statement than a concrete addition. It looks like a declaration of good intent.

The principles that are recognized in amendment BQ-4, and those that guide the journalistic profession include what is proposed in Mr. Julian's sub-amendment. Independence, fairness, rigour in the treatment of news and sources are all principles that fight against the infringement of the rights of certain minority groups, as well as racism or misinformation. This is also part of journalistic rigour and the principles that journalists respect. Correcting mistakes quickly and transparently is also part of what we call rigour in news reporting. One cannot be against virtue. As we say back home, we are not against apple pie, Mr. Chair.

The fact remains, however, that what is proposed in the sub-amendment is already included in amendment BQ-4. A rigorous and professional journalist, just starting out in the profession, already has these values. They are part of those that they will have to apply throughout the exercise of their profession.

It is difficult to be against a sub-amendment which reiterates some of the content of the amendment. So I would find it hard to say I am against it, but, on the other hand, I find it hard to say it is relevant.

I will leave it at that and listen to my colleagues' comments on it.

[*English*]

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

Welcome, Mr. Ripley.

Ms. Gladu, go ahead with your comments.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you, Mr. Chair.

Certainly, all of us would like to see less hate and less misinformation out there, but I do have a concern with the subamendment by Mr. Julian. It depends on who is making the judgment about

what is hate—there isn't a definition there—and about what is misinformation.

I mean, Mr. Julian loves to hate on the Conservatives, so if it were somebody like him, he would think that was okay. I wouldn't think it was okay. In terms of misinformation, I mean, the government's standing up on a daily basis saying, no, we're not banning hunting rifles, when in fact they are. They're saying that it's not misinformation, but I would say that it is.

Because it's problematic in terms of trying to define it, I think what Mr. Champoux has said, in terms of journalistic ethics and codes of ethics, is a much better place to land. I won't be supporting the subamendment.

The Vice-Chair (Mr. Kevin Waugh): Are there any other comments before I turn it over to the chair? It looks like she has joined us from Vancouver.

Go ahead, Ms. Thomas.

Mrs. Rachael Thomas (Lethbridge, CPC): Just for the sake of streamlining, would you maybe just agree to call the subamendment and then hand it over to the chair?

• (1115)

The Vice-Chair (Mr. Kevin Waugh): I can do that, if you wish.

Go ahead, Mr. Housefather.

Mr. Anthony Housefather (Mount Royal, Lib.): Could someone read the wording of the subamendment and exactly where would it be? I'm sorry about that.

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

Mr. Peter Julian: Thank you, Mr. Chair. You're doing a marvelous job.

As the legislative clerk pointed out in our last meeting, the subamendment basically amends BQ-4. It's an addition to BQ-4 that would add subclause (1.1), so that, "The code of ethics referred to in subparagraph (1)(b)(iv)", which is the Bloc amendment, "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."

What it does is add to the code of ethics that is specified in BQ-4. As I've mentioned, I think it's important for our committee to improve the amendment by pushing to ensure that hatred and misinformation are considered in the code of ethics that journalists are subject to.

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

(Subamendment negated: nays 10; yeas 1)

The Vice-Chair (Mr. Kevin Waugh): Dr. Fry, I will turn the chair over to you.

We are on BQ-4.

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): Mr. Waugh, if you don't mind, why don't you finish BQ-4 completely?

We'll call the vote on the motion after repeating the unamended motion. If you go ahead and do that, it will be fine. I'll take over then.

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

Mrs. Rachael Thomas: Thank you.

I have a quick question for the officials with regard to BQ-4 about this term "recognized journalistic association". I'm curious who will recognize them and how that criteria will be determined.

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

I think it would begin from the recognition that the journalism sector is self-governed. There are a number of different organizations in Canada, but there is no one organization that represents all journalists. My reading of the amendment as tabled would have the CRTC assessing which organizations are accepted and understood as acting on behalf of journalists.

It would be journalists identifying that these are the organizations after they've chosen to self-organize.

Mrs. Rachael Thomas: If the CRTC is going to recognize or not recognize a journalistic association, what would the criteria be that the CRTC would use for that determination?

Mr. Thomas Owen Ripley: I certainly don't want to speak for you, MP Champoux, and what your motivation is as the mover of this, but based on the drafting, I think it would be the CRTC looking to journalists and assessing whether a particular organization is seen to have the confidence of the journalists for whom they speak.

For example, you have the National NewsMedia Council in English Canada, and you have a couple of organizations in French Canada. This is very much an industry and a sector that is self-organized in that respect. Based on the motion as drafted, that would be my understanding of it.

• (1120)

The Vice-Chair (Mr. Kevin Waugh): Before you continue, Mrs. Thomas, as you can see, the bells are ringing.

Would you like to suspend, adjourn or continue?

Mr. Peter Julian: Mr. Chair, I'd like to propose that we vote remotely and continue through, if that's acceptable to all parties. This is important work on clause-by-clause.

The Vice-Chair (Mr. Kevin Waugh): Is it acceptable that we stay here, maybe take a five-minute break when we have to do it virtually, and then continue?

Some hon. members: Yes.

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

Mrs. Thomas, please continue.

Mrs. Rachael Thomas: Basically, my understanding then is that you have journalists who get together and create a journalistic association. Then that association meets the requirements that are laid out in this amendment and off they go.

It's totally self-created and self-policed.

Mr. Thomas Owen Ripley: Right now the journalism sector is self-regulatory in the sense that these organizations are independent and self-regulated.

The government's position would be to not interfere in that, but rather to respect the ways that journalists choose to organize themselves.

Mrs. Rachael Thomas: Great, thank you.

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

[*Translation*]

Mr. Martin Champoux: In addition, I will add a comment on what Mr. Ripley just expressed. His explanation was right on the mark.

It is also good to know that there is no professional order of journalists. There are indeed journalistic associations. The Quebec Press Council and the Fédération professionnelle des journalistes du Québec are examples, and there may be other associations. However, journalism governs itself and respects the journalistic principles mentioned in amendment BQ-4. Any serious journalism association would include these basic principles in its code of ethics.

So it would not be a very difficult job for the body that would be responsible for determining which association can be recognized. All it would have to do is make sure that the fundamental principles of journalism are reflected in it, and its job would be done.

[*English*]

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

Are there any other questions on BQ-4? Seeing none, I'd like to call the vote.

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

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

As you know, the vote has been called. I think everyone would like to stay here. Maybe we need five minutes to vote on our phones, but other than that, we'll all be in the room here.

The chair is yours now.

The Chair: Thank you very much, Kevin. Thank you for filling in. For whatever reason, my computer didn't seem to want to respond this morning, but it's all good now. Thanks very much.

Having said that, I think we know that we have roughly 24 minutes of bells, so we can continue on.

I'm going to move to NDP-18.

Mr. Julian, did you want to speak to that?

Mr. Peter Julian: Always, Madam Chair. It's a pleasure, though I will be brief.

We've spoken to this issue, and I think the committee a number of times has intervened to improve Bill C-18 through these amendments. We have intervened to provide supports for indigenous news outlets. This is another amendment in that sense. It would ensure that indigenous news outlets are eligible for the purposes of being designated as a news business under the act if they operate in Canada and produce news content of general interest.

News content would include the requirement that the content report on, investigate or explain current issues or events of public interest. This language includes greater specificity in relation to the coverage of rights of self-government and treaty rights, which are particularly relevant, as you know, Madam Chair, to indigenous communities.

This language mirrors the language regarding the coverage of democratic institutions and processes for the purposes of recognizing non-indigenous news businesses. What NDP-18 serves to do is to incorporate that amendment into page 10, saying the following:

operates an Indigenous news outlet in Canada and produces news content that includes matters of general interest, including coverage of matters relating to the rights of Indigenous peoples, including the right of self-government and treaty rights.

I move that amendment.

• (1125)

The Chair: Thank you, Mr. Julian.

Does anyone wish to speak? I don't see any hands in the virtual space.

Go ahead, Mr. Housefather.

Mr. Anthony Housefather: I'm entirely in favour of the way the amendment is drafted. I have a question about where it's located.

Mr. Ripley, again, I'm hoping that I'm misreading something. If we add this as a (c) in that clause, would it mean that you have to qualify by (a), (b) and (c), and that if you don't meet the requirement of (c), you will not be considered?

Perhaps that's a stupid question.

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

Chair, if I may, I think it is a question of the "or" and the "and". Right now, (a) concludes with "or", and then you have (a) or (b). I would defer to the legislative clerk on whether he thinks there is a potential reading if the "and" in (b) is not modified to be an "or", that you have to meet both (b) and the new (c).

The Chair: Mr. Housefather, did that satisfy you?

Mr. Anthony Housefather: I guess, then, the question is for Mr. Méla.

I want to make sure that we have the right wording and we're not somehow creating that you have to meet this and not that. Some, obviously, wouldn't need this.

Mr. Peter Julian: Madam Chair, I think Mr. Housefather is right to say that clause (a) has an "or" that refers to clause (b), and I think it is implicit that "or" serves all three clauses. However, if the legislative clerk proposes that a second "or" is needed, I would absolutely be in favour of that.

The Chair: Go ahead, Mr. Méla.

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

I'm going to refer to the French version for a second, if you don't mind. In the introductory part of clause 27, it reads:

[*Translation*]

27 (1) At the request of a news business, the Commission must, by order, designate the business as eligible if it: [...]

[*English*]

You then have (a) and (b). If you were to add (c), it would be the equivalent of an "or".

In French, it's clear that it's an "or". In English, the "or" seems to apply, it says, as eligible if (a) is so and so, "or" (b). There should probably be an "or" (c) to make it more consistent with French version, if I may say so.

[*Translation*]

Mr. Peter Julian: Madam Chair, may I speak?

• (1130)

[*English*]

The Chair: Are you happy with that?

[*Translation*]

Mr. Peter Julian: I just wanted to point out that this is an example where French is superior to English. So you have to improve the English a little bit to make it match the French.

The Legislative Clerk is absolutely right. He has clearly determined that the French is very precise and the English is a little less so.

[*English*]

The Chair: Thank you, Mr. Julian, for that bit of mutual admiration society going on.

Go ahead, Mr. Méla.

Mr. Philippe Méla: If I could add something, Madam Chair, it could also be a drafting convention. Maybe the French is not much better than the English in this case. It may be just a drafting convention.

The Chair: Anthony, does that satisfy you in terms of understanding how that would go?

Mr. Anthony Housefather: As long as we're clear that you don't have to meet both (b) and (c), I'm fine with it. I'm looking at the French.

[*Translation*]

In the French version, it is clearly stated at the end of section 27(1): "si, selon le cas:", meaning either.

I am not sure that it says that in the English version. That is why I asked the question. However, if Mr. Méla is satisfied, I will be too.

[*English*]

Mr. Philippe Méla: You could add an "or".

Mr. Anthony Housefather: That's what I was going to say. If we add the "or", then we're good.

Is it okay with you, Mr. Julian, that we add the extra "or"?

Mr. Peter Julian: I'm fine with many more "ors", if more "ors" means a speedy passage.

Where would that second "or" go? That is the question.

Mr. Anthony Housefather: I would say that after (iii), it would be "or (c)".

Mr. Peter Julian: Okay, yes.

The Chair: Thank you.

With all those "ors" in the water, Mr. Julian, I'm going to call the question.

Is anyone opposed to this amendment with the "or"?

Ms. Marilyn Gladu: All the "ors" are rowing in the same direction on this one, Madam Chair.

Some hon. members: Oh, oh!

(Subamendment agreed to)

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

The Chair: Now we go to NDP-19.

Mr. Peter Julian: I'm pleased to report, Madam Chair, that I will be withdrawing NDP-19, given the passage of other amendments earlier.

The Chair: Thank you.

As you well know, Mr. Julian, there seems to be an NDP-19.1. Is that also withdrawn?

Mr. Peter Julian: Madam Chair, I moved that as an amendment to BQ-4 and it was defeated by a very thin margin, so if members of the committee want to reconsider it, we certainly could.

The Chair: Thank you, Mr. Julian. NDP-19 is withdrawn.

Now, shall clause 27 carry?

Mr. Anthony Housefather: Madam Chair, I have a point of order.

I believe there's one more amendment in this clause.

Mr. Philippe Méla: Madam Chair, you have my apologies for that.

I sent you an email earlier, before the committee started. Mr. Housefather's amendment is not in your notes, but it's coming exactly at this point in time.

The Chair: All right. I'm afraid I'm going to have to go into my.... I didn't receive it. I was busy trying to get in to the meeting, but thank you.

Mr. Housefather, is it a new amendment?

Mr. Anthony Housefather: Madam Chair, it was the amendment that was sent during the last meeting. It was circulated by the clerk last meeting.

The Chair: Would you like to read it again, Mr. Housefather?

Mr. Anthony Housefather: Sure, if you feel that I need to read it into the record. It is that Bill C-18 in clause 27 be amended by adding after line 20 on page 10 the following:

(3.1) Despite subsection (1), a news business might not be designated as eligible if

(a) the news business is the subject of sanctions under the United Nations Act, the Special Economic Measures Act or the Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law), or is owned or controlled by an individual or entity that is the subject of such sanctions; or

(b) the news business has its headquarters in a foreign state, as defined in section 2 of the Special Economic Measures Act, that is the subject of measures under an Act referred to in paragraph (a).

Then subclause (3.2) would be after that, which says:

(3.2) If a news business described in paragraph (3.1)(a) or (b) was previously designated as eligible, the Commission must, by order, revoke the order designating the business as eligible.

Madam Chair, I will just explain it.

I think the previous Conservative amendment had some very good ideas, but I just didn't agree with the whole motion. I do believe that if you have an American owner of a small Canadian newspaper with four journalists and they're covering local Canadian news, I don't see why it would be excluded. Even if The Wall Street Journal has a Canadian bureau, why would it be excluded for the purposes of the cost of the Canadian bureau?

However, we don't want Iranian, Russian or Chinese.... To me, if there's a country that is sanctioned or if there are people who are sanctioned, then I think they should not be eligible. I tried to draft it that way using existing federal legislation that specifies people, countries, actors and organizations.

I'm happy to entertain amendments if people can improve it, but that's sort of how I was looking at it. It's to get rid of the bad actors, but not to get rid of potentially eligible or fairly eligible news businesses.

• (1135)

The Chair: Thank you, Anthony.

I would like to let the committee know that we have 12 minutes left. Would you like to suspend now to vote?

We can't vote because the bells are still going. I'm sorry.

Let's continue.

Go ahead, Peter.

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

I thank Mr. Housefather for his always valuable work.

I do have a question for the officials. I certainly understand the intent of the amendment and I support the intent. I'm wondering to what extent it is possible that Ukrainian media might be caught in an unintended way by this.

I'll give you the specific example of occupied Ukraine. We have entities that are sanctioned by Canada in areas of Ukraine that are currently occupied by the Russian invasion, so I'm wondering to what extent it is possible that Ukrainian media might be caught in an unintended way by this.

My second question is around non-state media. If sanctions are applied to a state.... Paragraph (b) talks about news business having its “headquarters in a foreign state”. To what extent might that have an impact?

I'm thinking about, for example, media that is active journalism but headquartered in a state that is sanctioned—even though the media's independent. Hong Kong comes to mind, though of course the independent media has now been suppressed. To what extent might it have an impact on that media as well?

Again, I absolutely support the intent of this amendment. I just want to make sure there are no unintended consequences. If there are, we can perhaps have a subamendment that would address that.

The Chair: Thank you.

Perhaps someone would like to comment on that.

Anthony, would you like to comment on that since it's your amendment?

Mr. Anthony Housefather: Thank you, Madam Chair.

I believe Mr. Ripley was about to comment on it, if that's okay. I think it was a question for him.

The Chair: All right. It is a complex question.

Mr. Ripley, please comment.

Mr. Thomas Owen Ripley: Thank you, Chair.

Thank you, MP Julian, for the question.

In reverse—on your second question—the provision as drafted has a degree of flexibility in it to recognize that there may be non-state entities that could still be sanctioned. Under paragraph (a) for example, you could still have the sanctioning of specific individuals or entities—news businesses—independent of where their headquarters are. Then paragraph (b) recognizes or is grounded in a question of where the headquarters are. My read is that there's a degree of flexibility there.

Just to give this committee an example, RT, Sputnik and certain other Russian media are currently specifically listed in the special economic measures sanctions. I don't have a non-state example for you, MP Julian.

With respect to your first question, we did have an opportunity to look into this. The way the sanctions are articulated is that they recognize that there are certain areas of Ukraine that are currently under Russian control, such as Crimea, so the sanctions are grounded in that territorial control of specific regions. Our read would be that, if you had a Ukrainian broadcaster, for example, operating in the free part of Ukraine, it would not be caught by that because the sanctions are quite specific that the only sanctioned entities are those based in or operating out of, for example, Russian-controlled areas of Ukraine.

I would also just simply remind the committee that, in addition, you would have to meet the other criteria in clause 27 in order to be eligible in the first place. That includes operating here in Canada, having two journalists, etc. It's just a reminder that there also has to be that presence here in Canada.

• (1140)

The Chair: Thank you, Mr. Ripley.

Are there any further questions or discussion on this issue? Seeing none, I shall call the question.

(Amendment agreed to)

(Clause 27 as amended agreed to: yeas 7; nays 4)

(On clause 28)

The Chair: Now we're going to go to clause 28. The first thing would be CPC-23. Now if CPC-23 is adopted, G-3 cannot be moved due to a line conflict. The adoption of CPC-23 would render G-6 and G-8 inadmissible, if moved, as they would be contrary to a previous decision by the committee as stated on page 771 of the *House of Commons Procedure and Practice*, third edition.

The committee's decisions concerning a bill must be consistent with earlier decisions made by the committee. An amendment is accordingly out of order if it is contrary to or inconsistent with provisions of the bill that the committee has already agreed to, if it is inconsistent with a decision that the committee has made regarding a former amendment, or if it is governed by or dependent on amendments which have already been negativized.

This is clear to everyone. The ones I mentioned here, which are G-6 and G-8 are on page 82 and page 87, just to clarify in case you're wondering where those were.

At the moment, if CPC-23 is adopted, G-3 moves off the table.

Shall we begin? Let's see how many minutes we have on the vote. We have two minutes and 32 seconds before the bells. Did you want to try to go with CPC-23? No. Everyone wants to suspend, so we will suspend for about five minutes so that people can vote.

• (1145)

The Clerk of the Committee (Ms. Aimée Belmore): Dr. Fry, typically it has been custom to suspend until the vote is read in the House.

The Chair: All right, let's go ahead and do that. That would be roughly 12 or 13 minutes from now.

We will suspend for 13 minutes. Thank you, clerk.

• (1145)

(Pause)

• (1205)

The Chair: We are on amendment CPC-23.

I am prepared to entertain discussion on this. Are there any hands up in the room?

Mr. Kevin Waugh.

Mr. Kevin Waugh: Thank you very much, Madam Chair.

When Bill C-18 was introduced, it was supposed to level the playing field. Here we have a public broadcaster that has between \$1.3 billion and \$1.5 billion. I see recently, in the fall economic update, it got \$21 million for one year and another \$21 million for next year, so a total of \$42 million. That is not levelling the playing field.

The public broadcaster is absolutely destroying the digital sphere—if you don't mind me saying so—in this country. In Britain, BBC is allowed to spend a certain amount on digital. Here, CBC can spend a billion dollars on it if they wish. I think this is where, when we look at Bill C-18 and how small and medium newspapers, and small, medium and even large television and radio stations.... Right now, they really can't compete with CBC on the digital. CBC is killing them. CBC is hiring—as you've heard me say many times—the best journalists throughout Canada, throwing them on their web page, and they are doing very well on that.

We really have to have a long discussion around the table on this one. Should the public broadcaster be involved in any fees on Bill C-18? If they are, let me throw this out. Would the Liberal government reduce the budget of CBC by the amount they're going to get from Google and Facebook? There's the starting point.

I, for one, feel that the public broadcaster should not be included in Bill C-18. I'm trying to level the playing field. We have a public broadcaster that gave out bonuses during the pandemic. They gave out \$15 million in bonuses. You tell me a station or a newspaper in this country that would give out \$15 million in bonuses in the last two years. As you can see, the level playing field is not level at all. The public broadcaster is at the trough, and it's a big trough on Bill C-18—them along with Rogers and Bell. They're going to gobble up 75% to 80% of the money that....

Mr. Ripley, can you confirm those numbers with me for CBC, Bell and Rogers—the big media outlets in this country? Out of the \$330 million that we suspect Facebook and Google will give through Bill C-18, they in fact will gobble up 75% of that. Can you confirm those numbers, please?

• (1210)

Mr. Thomas Owen Ripley: Mr. Waugh, I won't speak to the PBO report that is the source of the numbers you cited. That was not a department-led initiative.

The internal modelling that we did when we tabled the bill and mentioned it in our technical briefings was more around a \$150-million impact. That was based on how this played out in Australia and making some assumptions about how it might play out here. With respect to the PBO report, any questions about that particular number would have to be directed towards them.

The bill is not prescriptive about the proportion of the contributions that should go to different media, Mr. Waugh. One thing the government did and in part that was a response to what we saw in Australia was to put down a very strong marker in clause 7 about the importance of independent media, recognizing that we do have a very consolidated sector here in Canada. It certainly is not the government's intent that the contributions, the agreements, be only made with those big consolidated players. On the contrary, the government's position is that, in order to benefit from an exemption,

those agreements have to cover independent businesses and the variety of other factors that have been put down in clause 11.

Mr. Kevin Waugh: If I can, Madam Chair, I'll just ask Mr. Ripley one other question.

Through our amendment here, CPC-23, if we did eliminate the CBC, what would happen?

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

The impact of that would be that CBC/Radio-Canada news content could be shared on dominant social media platforms without incurring the obligation to bargain. The government did consider—it's certainly a question we turned our minds to—whether CBC/Radio-Canada should be included in the regime or not.

The government's position is that CBC/Radio-Canada generates news. It's an important source of news for Canadians across the country, as you spoke to in your remarks. It does operate on a hybrid funding model, where there's parliamentary appropriation, but CBC/Radio-Canada also has other revenue streams that it's earned.

The decision was that Canadians and the government have an interest in making sure that the value that CBC/Radio-Canada puts into its news content is part of the framework. Again, the goal is to make sure that those revenues, just like for other news businesses, get reinvested in news and journalism.

As I alluded to at the beginning, there was concern about the unintended consequences of excluding CBC/Radio-Canada, which would put them on a different footing whereby their content could essentially be used without incurring the bargaining framework, meaning that it could be shared. We didn't want to create a situation where you were indirectly incentivizing platforms to prefer CBC/Radio-Canada content because it was on a different kind of footing than other kinds of news content in the sector.

Mr. Kevin Waugh: I would agree with you on CBC/Radio-Canada. It's a very good organization in this country.

CBC television.... I look at the numbers across the country, and they're not as powerful as they once were. I would imagine that the CTV network is finding that out. So are Global TV and others in this country too. The numbers that they once had have diminished greatly.

I just go back to the private versus the public. I worry, with Bill C-18 and with CBC involved with unlimited resources now and getting extra money from Google and Facebook, about what that will do to the medium and even small and large networks. It's hard enough today for them to compete, and with the extra revenue, considering what the PBO report said.... We'll say \$150 million. I'll go with your number. That's a big number to the CBC, and the rest compete against that monstrosity of a news network that we do have.

They do good work; don't get me wrong. The CBC does good work. At the same time, it's taxpayer-fed, as we found out in the fall economic update, where they got \$42 million, thank you, from the federal government for no reason whatsoever. That's where I'm coming from. It's going to be very hard for private companies to compete against the public broadcaster going forward if, in fact, CBC is going to be at the trough, as we expect they will be on Bill C-18.

That's all I have to say. Thank you very much, Madam Chair.

• (1215)

The Chair: Thank you very much.

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Thank you, Madam Chair.

I share some of the concerns that Mr. Waugh expressed earlier about the funding of the CBC. However, as Mr. Ripley said, news content generated by public broadcasters is news content that is eligible.

We want to regulate companies that produce news that is accessible to Canadians. In that sense, I tend to agree with the concerns of private companies, who ask why CBC/Radio-Canada, which receives public funding, would also be entitled to benefit from this legislative framework.

However, I don't think we need to start questioning the funding of CBC/Radio-Canada in depth now. I'm much more concerned about the fact that CBC/Radio-Canada can add advertising left and right and subscription levels for some of the services it offers, when it already receives public funding.

I think ultimately there will have to be some in-depth work done. Often we put this off until later. But we will have to look at it, because it causes a lot of frustration.

Personally, I don't think CBC/Radio-Canada should be excluded from Bill C-18, because of the nature of the bill we're dealing with, but I would be very supportive of looking at the various business practices of CBC/Radio-Canada that are causing harm to private companies soon.

[*English*]

The Chair: Thank you.

Mr. Bittle.

Mr. Chris Bittle (St. Catharines, Lib.): I'm good.

Thank you, Madam Chair.

The Chair: All right.

Mr. Julian.

Mr. Peter Julian: Thank you, Madam Chair. I'm concerned about CPC-23, and I'll explain why, Madam Chair, having lived through what was a very difficult decade for public broadcasting.

When Mr. Harper was running the government, we saw a marked reduction in funding for journalism at CBC, and newsrooms closed right across the country. In smaller markets, where CBC, and CBC

journalists, had served faithfully for many years, newsrooms were basically closed. In other cases, in larger markets, there was sort of a skeleton crew that was applied. That had a profound impact on CBC's ability to do the excellent work that it does as a public broadcaster.

I'm concerned about the idea that we would not have CBC as part of C-18 to start with because, fundamentally, what that might mean is that, if the next government in this country is going to do the same thing the Harper government did, we would see the same massive cuts in funding and in journalism from CBC serving the country, and there wouldn't be C-18 and that support from big tech. Our public broadcaster, a broadcaster that is respected across the country and around the world, would be receiving that death by a thousand cuts—cuts in funding for CBC journalism and no access to big tech funding either.

Of course, big tech vacuuming up all of the advertising revenue has an impact on CBC, as well as the vast majority of other news businesses across the country.

I'm concerned about CPC-23, and I won't be supporting it on that basis. I think it opens the door for what some Conservatives have mused on and the Conservative Party fundraises on, which is to kill CBC because it's the fair journalism that often puts the Conservatives in opposition. CBC has that solid, established reputation of journalism that often provokes a reaction from Conservatives.

I'm also concerned about clause 28 of the bill because what it does is provide additional conditions and regulations made by the Governor in Council. What that basically does is provide an opportunity for this government or a future government to impose additional conditions on CBC, and I'm not convinced that would always be used on a good-faith basis.

I don't believe that we should carry clause 28. I think we should be looking to remove that clause from the bill. I think what that would do is provide for CBC's independence. It's still subject to CRTC regulations and still subject to all the other provisions of the act, but it eliminates the possibility of a future cabinet saying, "Hey, we're going to impose a whole range of conditions," and those conditions may be in a bad-faith way designed to strangle CBC.

There is no doubt that the vast majority of Canadians support the CBC. There is no doubt that the vast majority of Canadians respect the high standards of journalism that are set by the CBC. I think we have a duty as a committee to ensure that CBC has the ability to access the funding that big tech has been hoovering out of this country for years in the same way that all other journalists have the ability, but we also have to remove the potential for a future cabinet to say, "Hey, we're just going to provide that death by a thousand cuts to CBC so that our national public broadcaster is no longer on a sound footing." We saw over a number of years how quickly journalism can be gutted at the CBC when a government, like the Harper government, cuts funding.

• (1220)

[*Translation*]

It is also important to talk about francophone journalists across Canada. In British Columbia, CBC/Radio-Canada has excellent programs and journalists. This bilingualism in journalism is important across Canada.

The reality is that if we deprive the CBC of this potential funding from the tech giants and still give the Governor in Council, through section 28, the ability to change regulations very significantly and unilaterally, it risks taking us back to the days of the Harper government, which slashed funding to CBC/Radio-Canada. Journalism suffered in newsrooms across the country, especially on the French side, where the number of journalists declined.

For this reason, I will vote against this amendment proposed by the Conservatives, and I am voting against clause 28 of the bill. It should be eliminated to avoid jeopardizing the future of CBC/Radio-Canada.

Thank you.

[*English*]

The Chair: Thank you, Mr. Julian.

Mr. Coteau, you have the floor.

Mr. Michael Coteau (Don Valley East, Lib.): I will not be supporting this amendment. I want, just for the record, to say why.

On all of the Canadian tax dollars that contribute to CBC, it's content development. It is intellectual property. It's content. It can be monetized, and to just give it away to the big platforms doesn't make any sense to me.

Five billion dollars have been taken from the advertising sector supporting Canadian businesses over the last decade, and that happens each year. If we have an organization like the CBC that supports Canadian content and reports good-quality news, I can't imagine just giving it away to Facebook and Google without any type of compensation. They are taxpayer dollars.

The spirit of the establishment of the CBC many years ago was to support Canadian content, so I will not be supporting this amendment.

Thank you, Chair.

• (1225)

The Chair: Thank you, Mr. Coteau.

Go ahead, Ms. Thomas.

Mrs. Rachael Thomas: Thank you.

I have proposed this amendment for exactly the reason Mr. Coteau is talking about. It is taxpayer dollars. Therefore, give it back to the taxpayer, and if Google can help facilitate that, great. If Facebook can help facilitate that, great. If Twitter can help, great. Whoever can help get that taxpayer-funded material back into the hands of the taxpayer, great. I'm not sure why we would want to hold that back. It's for the public good, so why the CBC would be scoped in with this legislation is beyond me.

The taxpayer is already on the hook for \$1.2 billion to \$1.4 billion with regard to CBC and making sure that news is produced and put out there. We should want that to be spread as widely as possible, but scoping the CBC in under this legislation means that their content could potentially be excluded from Facebook, let's say, if Facebook chooses not to participate in Bill C-18 and not to carry news anymore. That's a problem because taxpayers then are not able to access the media, the news they paid for.

Further to that, the entire purpose of Bill C-18 is to make up for lost ad revenue. This government in February of 2022 said that the CBC actually shouldn't be reliant on ad revenue and that it actually was against the public good, so this government committed to giving \$400 million to the CBC in order to help them not be reliant on ad revenue.

If they're not supposed to be reliant on ad revenue, and that's the foundation that's being set by this government, then why are we are we scoping them into Bill C-18, where they can claim to be hard done by because they don't have ad revenue, even though this government says they shouldn't have ad revenue to begin with. Now they should be able to come to the bargaining table under Bill C-18 and enter into bargaining in order to make up for the lost ad revenue that this government says they shouldn't have to rely on to begin with. It just makes no sense.

The government is speaking out of both sides of its face by keeping this within the legislation. I just would ask, which one is it? Do we support that the taxpayer is putting out over \$1 billion on the CBC and, therefore, should have access to the material, or should the CBC be scoped in this legislation and, therefore, withheld from some Canadians, potentially?

The point is that this is the public broadcaster; the public paid for it. It's already been paid for, so why does further negotiation need to be made with big tech companies to get them to pay even more? The material's been paid for. It was paid for by the Canadian taxpayer. It's a done deal, so it's crazy to me.

When I look at the spending of the CBC as well, I see that more than \$30 million was spent on retention bonuses alone during the pandemic—\$30 million just on bonuses, just to retain. I could keep going down a long list of wasted spending by the CBC, and this is the organization that we think should have the ability to continue to enter into negotiations and take 75% to 80% of this money when combined with Bell and Rogers. That's crazy.

The CBC, which is already taxpayer-funded, is going to be able to elbow out the little guys and get more money because of this bill. Meanwhile, those small rural papers are out. This government made sure they're out because they made sure that there has to be at least two journalists. Ethnic media—they're out, but don't worry. CBC, with more than 1,000 employees—you're in. Already \$1.2 billion to \$1.4 billion of taxpayer money—no problem. We'll keep you.

That's shameful and incredibly disingenuous, especially when the minister brought out this bill saying that it was supposed to help out newspapers and keep them in business, and especially when it uses words like "sustainability". It's crazy. The little guys are getting killed by this bill. It's shameful.

• (1230)

The Chair: Thank you, Ms. Thomas.

Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Chair.

Chair, you made a great point. You had read out earlier that when we're voting on these different sections we need to be consistent with what we've previously voted. As I said the other day, the only clause I actually voted for was the purpose of the bill, which is clause 4:

The purpose of this Act is to regulate digital news intermediaries with a view to enhancing fairness in the Canadian digital news marketplace and contributing to its sustainability, including the sustainability of independent local news businesses.

This bill is supposed to be helping small local media stay alive, because they've been dying by the droves. When we hear that, according to the Parliamentary Budget Officer, between the CBC, which, honestly, with what they're getting of late.... They're almost getting \$2 billion in funding. In addition, they're going to take from the \$350 million-ish that we think this bill fund will be, and they're going to come out with the lion's share of that. That's not going to achieve the purpose of the bill. The little guys are going to get hardly anything.

I think excluding CBC is right. They will continue to be publicly funded. The government has made sure they don't need to worry about advertising revenue. They'll keep them flush. Let's focus on what the purpose of the bill is. Let's be consistent then and take CBC out.

The Chair: Thank you, Ms. Gladu.

Mrs. Thomas.

Mrs. Rachael Thomas: Thank you.

I have just a quick question to the officials. If this clause 28 were to be removed altogether, how would that affect the CBC?

Mr. Thomas Owen Ripley: Section 28 right now speaks to subjecting public broadcasters potentially to conditions specified through regulation. The removal of clause 28, as MP Julian highlighted, would essentially move towards removing the ability to attach any conditions whatsoever to the participation of public broadcasters in the regime. I would say that there would likely need to be a consideration about consequential amendments further on in the regulatory powers, but section 28 is clear that there can be condi-

tions attached to the participation of public broadcasters, which would include provincial broadcasters as well.

The Chair: Thank you, Mr. Ripley and Mrs. Thomas.

Ms. Gladu, did that answer your question?

Ms. Marilyn Gladu: Yes.

The Chair: Mrs. Thomas.

Mrs. Rachael Thomas: Thank you. I'm good.

The Chair: Thank you.

Mr. Julian.

Mr. Peter Julian: Thank you, Madam Chair.

We know that CBC is subject to the other aspects of the bill. The issue of whether or not we want to give the cabinet future control over CBC is a very valid one. As I mentioned before, that's why I will be voting against the passage of clause 28, though the next amendment coming up does help to address my concerns and the concerns felt by many people who saw, under 10 years of the Conservatives, how the CBC was gutted, absolutely gutted.

We've gone through and improved this bill substantially. We saw an NDP amendment that would give a two-person part-time operation the ability to access C-18—the little guys, as Conservatives like to champion. In fact, that's exactly what Alberta and Saskatchewan community newspapers asked for, and Conservatives voted against enlarging the mandate so that those little guys in communities right across Alberta and Saskatchewan could actually access funding from big tech.

I'm very confused by the Conservative strategy on this. They're attacking CBC, which is what they did when they were in government, so no surprise, but they have also been voting against amendments that broaden the criteria so that a two-person part-time operation, even if they were owner-proprietors, could actually access funding. Conservatives voted against.

It's incomprehensible to me how Conservatives are approaching this bill. They said they were opposed, and they essentially have been contradicting themselves all the way along. I fail to understand their intense refusal to really put in place the kind of funding that people want to see for CBC—that sound financial foundation. The reality is, in addition to the NDP amendments that have given access to the little guys, C-18 should not be excluded for a public broadcaster like CBC, which has also suffered from the lack of advertising that has been hoovered up by big tech.

To my mind, again, I will be voting against this amendment. I certainly will be supporting the following amendment, but if neither of those amendments pass, I'll be looking for deletion, and I hope we get a majority of the committee to delete clause 28.

Thanks, Madam Chair.

• (1235)

The Chair: Thank you, Mr. Julian.

Mr. Waugh.

Mr. Kevin Waugh: Thank you, Madam Chair.

I'll be quick because I was at Bell Media for 40 years. We cut more than CBC, Mr. Julian. When Harper was in government, they cut 10% of the budget from CBC. I can tell you right now, Bell Media cut a hell of a lot more than 10%. I was part of a newsroom that at one time probably had 500 people in Saskatoon, Regina, Moose Jaw and Yorkton. We'd be lucky to have 100 now, so don't give me this about Harper cutting 10% out of a \$1 billion budget that CBC had for 10 years, because I can tell you that Bell and Global cut a hell of a lot more in those 10 years from 2010 to 2020.

What I'm saying with this bill, and I'll wrap it up in a second, is that if this does go through and CBC gets the majority of the money from C-18, you will see more cuts out of Bell and you will see more cuts out of Global. You will see more cuts out of all media but CBC.

To say that Canadians want CBC is a misstatement. Their ratings television-wise are 1%. Ms. Hepfner worked at CHCH Hamilton. How many cuts did they have in the last 10 years? A lot. More than 10%, absolutely. An independent station like that probably lost 40% of their people in the last 10 years.

All I'm saying here is let's level the playing field. If this goes and CBC is allowed to get access.... We on this side also believe tech should pay, tech being Google and Facebook, but I'm really upset that CBC is going to get the lion's share because, if you want to see media go down the drain in this country, allow CBC to get the majority of the money that we're going to see from tech in C-18.

The Chair: Thank you, Mr. Waugh.

I shall then go to the vote on this, unless there's another hand up.

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

• (1240)

The Chair: Thank you. Now we go to amendment G-3.

Mr. Bittle.

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

I won't get into it too much. We had a lengthy debate on the last one.

I really just want to clarify. We didn't bring it up, but the Australian public broadcaster was included in the Australian model, and I think all of the parties here ran on the Australian model.

This amendment clarifies the eligibility of CBC and provincial public broadcasters. This is purely to clarify the eligibility and remove any further requirements the Governor in Council may have with respect to the eligibility of CBC, which addresses some of the concerns brought up by Mr. Julian in one of his previous interventions.

Thank you, Madam Chair.

The Chair: Is there any other discussion on this?

Mr. Waugh, go ahead.

Mr. Kevin Waugh: Thank you, Madam Chair.

To the officials, I guess TVO would be considered a provincial broadcaster?

Mr. Thomas Owen Ripley: There would be Télé-Québec, TVO, Knowledge Network and TFO as well, so you have a handful across three provinces.

Mr. Kevin Waugh: Why would the federal government want to protect provincial broadcasters?

I'll give you an example. In our province of Saskatchewan, we sold Saskatchewan television network. We ended up selling it to Rogers.

Is there any reason why we're protecting provincial broadcasters in a federal bill?

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

The starting point for the government is that the public broadcasters should be included, as we just discussed in the previous debate, though we wanted to recognize that provincial broadcasters are a matter of provincial jurisdiction and that's why at clause 28 and further on in the bill a mechanism is provided whereby a provincial minister can actually write to the federal minister and request that there be certain conditions put on the provincial broadcasters if they want to.

That was simply to respect provincial jurisdiction and the fact that these are creatures of the provinces, so we wanted to make sure there was some mechanism whereby, at the end of the day, the provincial will could be respected in the framework.

Mr. Kevin Waugh: This is my last question: Could provinces—and we're seeing this in certain jurisdictions, namely Alberta and Saskatchewan—then buy a radio station or a TV station, turn it into a public broadcaster and be eligible for this?

I say that because for my province—and we have The Saskatchewan First Act—and also for Alberta, with what's going on there, this would be a loophole, I would say, whereby they could now simply buy some TV stations or buy media outlets and have their own conglomerate.

Could that happen under Bill C-18?

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

The concept of a public broadcaster recognizes that in Canada, both at the federal level and in some provinces, there have been intentional policy decisions to create broadcasters with a public media mandate, a public interest mandate.

The position of the government is that they should be included to the extent that they are distributing news content. Certainly we've had the opportunity to speak to the provinces implicated. In some instances, those public broadcasters that I mentioned aren't really in the business of news, but to the extent that they are in the business of news, to the extent that they meet the eligibility criteria of clause 27—because you still have to meet the eligibility criteria of clause 27—they could be eligible.

• (1245)

Mr. Kevin Waugh: They are already broadcasting legislative business on channels throughout the country. Are they eligible?

For instance, Saskatchewan legislature has a channel through Shaw. I think it's channel 118 in my city of Saskatoon. Are they all eligible then to get funding out of Bill C-18? They go all day when it sits. They televise everything from the legislature.

Mr. Thomas Owen Ripley: The broadcast of legislative proceedings would not meet the definition of “news content”, because it has to be “reports on, investigates or explains current issues or events of public interest.” There has to be a degree of analysis or reporting on it, not simply the broadcast of live proceedings.

The Chair: Thank you, Mr. Waugh.

Mrs. Thomas.

Mrs. Rachael Thomas: Thank you.

For further clarity, I have a quick question to the officials.

I'm curious as to the logic of subjecting only provincial public broadcasters to any additional requirements that would be set out for eligibility, but excluding the federal broadcaster, CBC, from the same requirement. In my mind, both are public broadcasters. It seems, then, that both should be subject to the same terms within this legislation.

I realize that you have commented on this to some extent, but for greater clarity, could you please make that distinction as to why only provincial broadcasters would be targeted and not federal broadcasters?

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

I might redirect your question to the parliamentary secretary, should he wish to speak to some of the amendments further on. It's not really my place to speak to that.

With the exclusion of CBC/Radio-Canada here, I believe what's being put on the table is a more clear understanding of what conditions they would be subject to if they were to participate in the regime. However, it's not really my place to speak to that amendment at this point.

The Chair: Mr. Ripley, I will allow Mr. Bittle to respond to that question.

Mr. Chris Bittle: I thought my point was clear: CBC offers an essential service, and the government is doing what it can to protect that and to ensure they are eligible under this legislation.

Mr. Peter Julian: I have a question for the officials.

I support this amendment, “designation of a provincial public broadcaster”, that cabinet has some ability to parse through the

provincial broadcasters.... That's particularly in light of what we've seen coming out of Alberta with the UCP government using taxpayers' funding to put out a pseudo perversion of journalism. They put things out to attack folks who have been raising environmental concerns about UCP policy. They have been doing all kinds of attack jobs using public funds.

This is the important thing, Madam Chair. These are public funds that the UCP is using against its own citizens. It's a public broadcaster, if you like. Again, we saw the Doug Ford government in Ontario using public funds to go after the citizens of Ontario.

My question to the officials quite simply is this: In a case where the UCP public broadcaster tries to come in—obviously if they are willing to use taxpayers' funds to fund this trash that they put out—

Ms. Marilyn Gladu: I have a point of order, Madam Chair.

I have certainly commented before on Peter Julian's continual hate on the Conservatives, but now he's starting to malign people. I think that's inappropriate at this committee.

The Chair: I think Mr. Julian's point is with regard to what we're dealing with right now, which is G-3. He's asking a pertinent question.

Will Mr. Ripley answer it, please?

Mr. Peter Julian: Thank you, Madam Chair.

My concern is that, if you have a provincial public broadcaster that is acting inappropriately, not respecting the journalistic standards we are setting throughout Bill C-18, and this amendment isn't passed, would there be any ability for the Governor in Council to take action if those standards were not adhered to?

Doesn't this amendment offer an additional level of protection to ensure that, with what I consider to be a perversion—I will withdraw the word “trash” and say it's more of a perversion of journalism that the UCP is doing—there's some regulatory oversight through cabinet, additional reasons, to ensure they don't have access to the funding from Bill C-18?

• (1250)

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

The starting point is that public broadcasters would still have to meet the eligibility criteria set out at clause 27 and, further to the amendments that this committee has now made to the bill, those would include either belonging to a journalistic association with a code of journalistic practices or having one in place, so that would now be a criterion that would have to be respected. The specific mechanism of clause 28, though, is primarily a mechanism to make sure there would be a way the federal government could respect provincial wishes, recognizing that it is not the prerogative of the federal government to impose its will on provincial broadcasters, which again are creatures of the provinces. Therefore, clause 28 has to be read in relation to paragraph 84(f), which says that the Governor in Council can set out conditions on provincial public broadcasters “for the purposes of section 28, if the provincial minister responsible for that broadcaster has made a request to the Minister.”

Again, it's really about respecting provincial wishes, but to the substance of your question, public broadcasters would still have to meet the other eligibility criteria of clause 27.

The Chair: Thank you, Mr. Ripley.

I will move on to Mr. Housefather.

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

I just have a couple of questions. I just want to clarify. I do support funding a public broadcaster. I also believe this will mean that taxpayers in the end will have to pay less because the public broadcaster will be covered and be able to earn revenues under the bill.

I want to come to how I understand this clause. I understand this clause not to be adding that public broadcasters are eligible. Public broadcasters were not excluded under the previous grounds for eligibility, so clause 28 has nothing to do with whether or not public broadcasters are eligible. They are subject to the same tests everybody else is under clause 27 of the bill.

Clause 28 was meant to say that, despite public broadcasters' being eligible, the Governor in Council could make other rules with respect to public broadcasters only.

My understanding of this amendment is that it says that now CBC/Radio-Canada is no longer subject to that, which is why I support this amendment. It means you can no longer have the Governor in Council saying that for some reason CBC or Radio-Canada is no longer eligible under the other criteria they set. They can't say that public broadcasters won't be eligible unless they make \$20 billion a year or something like that, but it does say that provincial public broadcasters could be subject to an order in council.

Am I understanding this correctly?

Mr. Thomas Owen Ripley: You are accurate, Mr. Housefather, in your description of what's taking place.

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

Shall G-3 carry?

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

(Clause 28 as amended agreed to: yeas 7; nays 4)

The Chair: Before we move, we have two more minutes to go in this meeting. It is my understanding, from rumour, that there was discussion on the floor about having an extra half an hour to go to 1:30. The clerk thinks we can do this.

Is this something that everyone wishes to have happen?

• (1255)

Ms. Marilyn Gladu: Yes, please.

The Chair: Is there any opposition? Hearing none, we will continue until 1:30, as the clerk tells me there are resources. Hopefully, we will get through some more of this bill.

(On clause 29)

The Chair: We're going to go to clause 29 and NDP-20.

Go ahead, Mr. Julian.

Mr. Peter Julian: Thank you, Madam Chair.

I don't think this will be very controversial. It strikes at the heart of our objectives around Bill C-18, which is to foster journalism. This amendment would ensure that lists are published for public transparency that include “the number of journalists employed by each eligible news business in each year that it has been eligible.”

Through the transparency that comes with NDP-20, we could see, visibly, news outlets reporting back to the public about the number of journalists employed. That is what we seek to do through this legislation. I think all parties agree on that point. This is a way of ensuring more transparency and accountability from the news businesses that receive the funding.

The Chair: Thank you, Mr. Julian.

Is there any further discussion on this amendment?

Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: I will allow Mr. Bittle to go first, and then it could loop back to me.

The Chair: I will allow Mr. Bittle to go first, then.

Go ahead, Mr. Bittle.

Mr. Chris Bittle: Thank you, Madam Chair.

Thank you, Mrs. Thomas.

To Mr. Julian's amendment, I appreciate the intent, but the purpose of the bill is to regulate tech giants and not news businesses. Imposing reporting requirements on employment crosses that line, which is why, unfortunately, I won't be able to support this amendment.

The Chair: Thank you, Mr. Bittle.

Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: I have nothing to say. Thank you.

The Chair: Thank you very much. I shall call the question on NDP-20.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

(Clause 29 agreed to: yeas 7; nays 4)

(On clause 30)

• (1300)

The Chair: Shall clause 30 carry?

Mrs. Rachael Thomas: If you wish, we would agree to apply our former votes.

The Chair: All right. That's fine.

(Clause 30 agreed to: yeas 7; nays 4)

The Chair: Thank you.

Before I go to clause 31, I am informed by the clerk that we can go to 1:45 unless the whips in the room decide that is not something we should do. We cannot go beyond 1:45 because of question period, but does everyone want to go to 1:45? Do I get nodding heads in the room?

Mr. Chris Bittle: There doesn't appear to be consent, Madam Chair.

The Chair: There doesn't appear to be consent. Okay. We can go until 1:30.

(On clause 31)

The Chair: Now we go to Ms. Thomas on clause 31 and CPC-24.

Mrs. Rachael Thomas: Thank you, Chair.

With the amendment here, essentially what we're trying to do is make sure that the legislation stays within the framework that it is set out to be in or does what it's said to do, which is to stay focused on news and not paid promotional material or the potential of click-bait. That is what we are attempting to do here.

I guess I have one question for the officials. That is, I am curious as to this term that is used in line 15 on page 11: "original news content". I'm curious as to what that means, that term "original". Does that mean that it could not be published anywhere else?

The Chair: Go ahead, Mr. Ripley.

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

It was meant to capture the idea of news businesses investing in or reporting on original news content. It's not meant to say that the topic can't be covered anywhere else or that there can't be other reporting on the topic, but it is meant to recognize that the news business has to primarily be in the business of producing original news content, whether that's original print content, whether that's original news broadcasts—

Mrs. Rachael Thomas: But what does that mean?

Mr. Thomas Owen Ripley: It means created by that news business.

Mrs. Rachael Thomas: Here's the question, though. When you have an outlet like Canadian Press, let's say, where—

A voice: [*Inaudible—Editor*]

Mrs. Rachael Thomas: I'm not.... I'm sorry. I'm just asking the official what I think is an important question.

• (1305)

The Chair: Mrs. Thomas, you asked a question of Mr. Ripley. He responded. Are you asking another question of Mr. Ripley?

Mrs. Rachael Thomas: I am.

The Chair: Please go ahead.

Mrs. Rachael Thomas: Mr. Ripley, what I'm asking is this. If there's a source where journalists are putting stories, which are then able to be pulled from that and put onto different news outlets, is that still considered original news content?

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

In terms of context, I'll take one quick step back and then go to your specific question. Eligibility criteria are set out in clause 27 of the bill. Clause 31 was provided for a mechanism for digital news intermediaries to challenge and make sure that a news business respected those criteria. It's really intended to make sure that there isn't a mechanism that digital news intermediaries can avail themselves of.

The news business has to be in the business of producing news content that consists primarily of original news content. That's not to say that the news business can never use content pulled from another source, but there has to be an assessment that the news business produces news content. There are indeed pool models, but at the same time, Canadian Press, which I think was part of your question, does also employ journalists. There would have to be an assessment made about whether, at the end of the day, they are producing news content that consists primarily of original news content. The focus is really on the production of the news content.

Mrs. Rachael Thomas: Thank you.

I flag that just because I still don't know that it provides a lot of clarity to eligible news businesses in terms of whether or not the news they're providing is going to fit within that. Nevertheless, I think you make a right distinction here. Clause 31 lets DNIs challenge whether a news outlet should or should not be eligible, whereas clause 27 sets out the eligible criteria to be scoped in as a news business.

The criteria that are outlined to be scoped in under clause 27 and the criteria that are assessed as to whether or not they should be eligible under clause 31 are different. This has actually been criticized by legal experts. Howard Law, formerly at Unifor, called it "an odd, backwards way to draft a statute".

I'm curious to know why the criteria set out in clause 27 and the criteria set out in clause 31 are inconsistent with one another.

Mr. Thomas Owen Ripley: There are two things going on here. Clause 27 is about the eligibility of news businesses. In clause 30, there's a recognition that you can have a business that will have a distinct part of it what the bill calls a "news outlet". This is the definition in the bill:

news outlet means an undertaking or any distinct part of an undertaking, such as a section of a newspaper, the primary purpose of which is to produce news content.

That's a recognition that you may have, for example, newspaper business models or broadcaster business models where the entire business model isn't about production of news. There's a recognition that TVA should be able to come forward and claim that TVA Nouvelles is a news outlet. They are bargaining with respect to the news content produced by TVA Nouvelles, not all the content produced by TVA, because we recognize that it includes more than just news.

Clause 31 is fundamentally about making sure that, if they come forward and they want to bargain on that distinct entity, such as TVA Nouvelles, for example, that news outlet has to be primarily producing original news content. The criteria set out here are intended to flow through from clause 27, but at the application of that news outlet level.

● (1310)

The Chair: Thank you, Mr. Ripley.

Mrs. Thomas has her hand up.

Mrs. Rachael Thomas: I'm so sorry, but I'm going to come back this. It was a rather long answer, so is there a succinct way...?

Clause 27 and clause 31 don't align, but they're dealing with the same thing.

Mr. Thomas Owen Ripley: They're not quite dealing with the same things.

Clause 27 is about the eligibility of the news business. Again, that's at a higher corporate structure level.

Clause 31 is about the DNI being able to challenge the way that a news business has articulated the news outlet over which they are bargaining. Again, that was simply a recognition that the way that media companies are structured.... It's not always purely in the business of news. The government wanted to home in and say, "What you are bargaining over is a distinct outlet within that broader corporate family."

They are related in their intention. It was certainly not to have a conflict between clause 27 and clause 31. The thing at play in clause 31 is a news outlet, not the overall eligibility of the news business.

The Chair: Thank you, Mr. Ripley.

Seeing no other hands, shall CPC-24 carry?

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

The Chair: On NDP-21, we have Mr. Julian.

I want to point out once again that we have 15 minutes left, and we have not finished even half of this bill in clause-by-clause. I'm

just letting everyone know that. I heard from everybody in this room that they're all interested in getting this passed before we rise, and I wanted to flag to you about the process and the timing.

Thank you very much.

Go ahead, Peter.

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

I would make the suggestion that we both regroup clauses for adoption and that we adopt those clauses on division. I think that would facilitate a lot.... We're spending a lot of time on votes that are more properly the "on division" passage of clauses. Hopefully, we'll get all-party agreement to start doing that soon.

Madam Chair, I also want to flag that I thought we agreed to extend until 1:25. I can't stay until 1:30, so 1:25 is my witching hour.

The Chair: Thank you, Mr. Julian.

Mr. Peter Julian: I would like to move on to NDP-21.

In conjunction with the other amendments we have already adopted, it is providing support for indigenous journalism and indigenous community news outlets. What this would do, in terms of a bargaining process, is to provide for an indigenous news outlet to be subject to the bargaining process if it:

(a) operates in Canada; and

(b) produces news content that includes matters of general interest, including coverage of matters relating to the rights of Indigenous peoples, including the right of self-government.

It goes in the same theme as previous amendments that we've adopted to improve the legislation and provide for full access for journalism from indigenous communities and indigenous journalists right across the country.

I move NDP-21.

● (1315)

The Chair: Thank you.

Mr. Housefather has his hand up.

Mr. Anthony Housefather: Thank you, Madam Chair.

I am totally in favour of NDP-21. I was just going to suggest that maybe we vote on NDP-21 and that we also perhaps agree.... I think we all want to hear from Justice Cromwell next Tuesday. If we have consent to add an extra hour on Friday—we continue on the Friday meeting for three hours instead of two—we can perhaps get the bill completed this week.

After NDP-21, perhaps we could take that up, Madam Chair. That's just my suggestion. Thank you.

The Chair: Thank you.

I'm going to call the vote.

Yes, Madam Clerk.

The Clerk: I'm terribly sorry. I was just verifying whether or not Mr. Waugh had his hand up to speak on NDP-21.

Mr. Waugh wants to speak, Dr. Fry.

The Chair: Go ahead, Mr. Waugh.

Mr. Kevin Waugh: Madam Chair, just further to Mr. Housefather's adding an hour on Friday, let's suppose that on Friday we don't get it done in the three-hour session. Is there any way that we can look to add a meeting on Monday or an additional meeting on Tuesday to get this bill finished?

On this side, we would like to see it done.

The Chair: Mr. Julian suggested this at the last meeting before this one, and I asked the clerk to look at that. I think I will let her answer as to what her response was.

Madam Clerk.

The Clerk: My initial response would be that my understanding was that we were doing one hour with Justice Cromwell, which would leave one hour for clause-by-clause. I extended the invitation to Justice Cromwell for the first hour, but it's completely discretionary, based on his availability and whether or not you are so inclined. That could give you the possibility to extend further if there are services available. I did not make the request for additional services because I was waiting for the official "go" to request them.

If I have the go to request extra services, I most certainly will.

The Chair: That depends on the committee making a decision on this.

Thank you, Mr. Waugh.

Does the committee have any say on this? Does the committee feel that we need to expand? At the rate we're going, I don't even think an extra hour is going to make a difference. We seem to be taking a long time.

Yes, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Point of order, Madam Chair.

Can we vote on amendment NDP-21? We will discuss the schedule afterwards. We were about to vote on Mr. Julian's amendment. I think we could finish the vote before we move on to another topic of discussion.

[*English*]

The Chair: All right. I agree with you. It is procedure, yes. We should do that.

Is there any opposition to NDP-21?

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

The Chair: It would seem that NDP-21 carries unanimously.

We should go to—

The Clerk: Ms. Gladu has her hand up, Dr. Fry.

The Chair: Yes, Ms. Gladu. We have now voted, so is it about the time allocation thing?

Ms. Marilyn Gladu: Yes, that's always important, but it's with respect to Mr. Housefather's suggestion of having an extra hour on Friday. I have a very important day on Saturday, but this bill is very important as well. I agree that we should have an extra hour on Friday. We should look into having the extra hour after Judge Cromwell and see what our other options are so that we can get the bill finished.

Thank you.

The Chair: Thank you, Ms. Gladu.

Mr. Bittle.

Mr. Chris Bittle: I appreciate the spirit of getting this done, but I think the motion was that we need to finish this before we hear from Justice Cromwell.

I'm in favour of the extra hour. I agree with what Mr. Julian said. Votes can be grouped together. We can do this on division. It doesn't mean that Conservatives support anything if we agree on division. We seem to be burning a lot of time with things. I think we can finish it in three hours. We're fine with adding an additional meeting to ensure that this is done, but I think that has to be discussed amongst the whips.

However, the motion before this committee, which the committee agreed on, is that we can't hear from Justice Cromwell unless we're finished with this bill, and I want to hear from Justice Cromwell. I think everyone does.

I really think we can get there. I think we're over 70% of the way through the amendments. If we have a little bit more support.... I don't want to say "support"—not support—but if we do it the way Mr. Julian suggests, we can get through this. Again, we're willing to do the extra work, but we need to finish it before we hear from Justice Cromwell. That's what the will of the committee was.

• (1320)

The Chair: You are correct in terms of the committee motion, Mr. Bittle. It was to have—after we had finished this clause-by-clause—Justice Cromwell as a witness.

Secondly, I think that we tried "on division" earlier in this meeting and it was rejected, so we're going to ask the question again: Is everyone prepared to look at "on division" as a means of voting instead of going through the read votes?

Go ahead, Kevin.

Mr. Kevin Waugh: Madam Chair, I'll just throw this out there.

Yes to three hours on Friday, and is there any way that we could then maybe squeeze in a Monday committee meeting for Bill C-18 if possible, even if it's an hour—if we see on Friday that we're close but not there—or up to two hours on a Monday?

The Chair: Mr. Champoux is next.

[*Translation*]

Mr. Martin Champoux: I would add to Mr. Waugh's proposal that Justice Cromwell be invited to appear in the second part of the meeting on Tuesday. So on Monday we would have at least an extra hour, and we would also have the first hour of Tuesday's meeting if by any chance we had not been able to finish on Friday. That would surprise me enormously, given the goodwill of all the members of the committee.

[*English*]

The Chair: Thank you.

We still have not answered the question about “on division”.

The Clerk: Mr. Housefather has his hand up, Dr. Fry, and I would just add the caution that we would need to confirm the availability of resources to add an extra meeting on Monday.

The Chair: Absolutely. What the committee wishes may not always be so depending on resources. We'd have to let the clerk go back and find out if any of the options that were offered are going to be available in terms of resources.

Now we have Mr. Housefather.

Mr. Anthony Housefather: Thank you, Madam Chair.

My understanding from the clerk was that we could extend the meetings by one hour on Friday and Tuesday. Is that right?

The Clerk: You probably would have a better chance of extending your meetings on Friday for certain, and Tuesday potentially, than adding an additional meeting. It is always more challenging to move things around, but it's—

Mr. Anthony Housefather: One thing I might suggest is that I also believe that with goodwill—and I think there is goodwill here—we'll finish with three hours on Friday.

I would then, as a backup, suggest that we see if we can extend the Tuesday meeting by an hour if we're not finished on Friday. The first hour would be for clause-by-clause and then we'd hear from Judge Cromwell in the last two hours. We probably won't go two full hours with Judge Cromwell, but I'd like to have him for more than an hour, if we could. That would be my suggestion.

The Chair: Thank you, Mr. Housefather, for the suggestion.

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

Mr. Anthony Housefather: I was suggesting that we go the three hours on Friday. I think we'll finish, but if we didn't and we can't get another meeting, which I think the clerk thinks will be difficult, I suggest we add an extra hour the next Tuesday. In the first

hour, we'll try to finish the clause-by-clause if we haven't finished by Friday, and then we'll invite Judge Cromwell for the last two hours.

The Chair: Thank you, Mr. Housefather. I think that was particularly clear.

We have a decision that we can have an extra hour on Friday, and we're not sure about the extra hour on Tuesday. The clerk will find out and come back to us on Friday and let us know whether that is possible.

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

I think the issue of “on division” votes will come naturally. I don't think we need to discuss it. There will be some times when one or another party will ask for a recorded vote, but I think that generally if there's goodwill on all sides we're going to find that clauses are going to be regrouped and passed on division, so we'll just play it by ear.

The Chair: Yes, Mr. Julian. I think that's what we have been doing so far, but we will play it by ear.

Now, shall we go to BQ-5?

We have four minutes left. I don't know if we can do BQ-5 in four minutes. That's a challenge to the committee.

Some hon. members: Oh, oh!

[*Translation*]

Mr. Martin Champoux: Madam Chair, we can't hear anything in the room.

[*English*]

Ms. Marilyn Gladu: I think Peter Julian has to leave, Chair, so I would move to adjourn.

The Chair: I am listening to everyone speaking at the moment.

Now, Mr. Champoux, you were going to come up on BQ-5, but did you have something to say?

[*Translation*]

Mr. Martin Champoux: Madam Chair, we are on amendment BQ-5, and I would like to inform the committee that I will withdraw it. At the same time, I move that the meeting be adjourned.

[*English*]

The Chair: Thank you.

This committee is now adjourned.

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