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Chair

The Honourable Larry Bagnell

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• (1100)

[English]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good morning. Welcome to the 82nd meeting of the Standing Committee on Procedure and House Affairs.

I'd like to let the committee members know that we had a great meeting yesterday with the delegation from Ghana. As well, just a few minutes ago I presented our report to Parliament that would enhance the participation of MPs with babies and infants in the political system. That was great. Good work, committee.

Today we are continuing our study on the creation of an independent commissioner responsible for leaders' debates. For this morning's panel we're pleased to be joined by a number of witnesses.

From CBC/Radio-Canada we have Jennifer McGuire, general manager and editor-in-chief, CBC News,

[Translation]

Also from CBC/Radio-Canada, we have Michel Cormier, General Manager, News and Current Affairs, French Services.

[English]

From Corus Entertainment we have Troy Reeb, senior vice-president, news, radio and station operations, and from Bell Media we have Wendy Freeman, president, CTV News.

I know that you are all very important and busy people, so we are very honoured to have you here. We look forward to hearing your opening statements in the order I introduced you.

Jennifer McGuire, we will start with you.

Ms. Jennifer McGuire (General Manager and Editor in Chief, CBC News, Canadian Broadcasting Corporation): Thank you very much.

Thank you for offering us a chance to speak with you today. We are a collection of broadcast networks with a large and pivotal role to play in making Canadian democracy function. In coming here today, we share the same objective as this committee—to find the most effective way of providing voters with the tools they need to make thoughtful, informed choices and to engage Canadians, ultimately, in the democratic process. That's especially true for Canada's public broadcaster, but it applies to each and every one of us. Not only do we bring programs to people in every nook and cranny of this country but we have direct experience with every manner of election coverage, including leaders' debates.

Our experience with federal election debates goes back to the very first one in 1968. At that time, CBC/Radio-Canada and CTV started with a blank slate, negotiating the terms with the parties. The arguments over inclusion were not so different from what you hear now. That first debate was split into two sections. Part one had the Liberals, Conservatives, and New Democrats. Part two added the Créditistes. The Social Credit Party was excluded altogether.

Over the years, more broadcasters signed up while political parties came and went. We added debates in French, and have always experimented with format, from round tables to live audiences to social media. Each campaign, lessons and productions evolved.

Certain themes pop up every time. My colleagues and I will discuss the most important today, and we urge you to give them considered attention.

One, we need debates that have the potential to reach each and every Canadian. Again, the shared objective here is public service. How do we improve Canadians' knowledge of the parties, their leaders, and their policy positions? Debates help achieve that by testing candidates for their knowledge, their values, and the nimbleness of their thinking under pressure. We benefit most when the leaders offer depth beyond their prepared messages. Don't underestimate the importance of reaching a vast audience. In this modern world of fractured discourse, this is a rare chance for Canadians to assess candidates in the same time, in the same place, and in the same context. The impact of a debate increases exponentially when they are part of a shared national experience.

Two, we need debates that people will actually watch. Reaching an audience doesn't do much good if people don't engage. You need to have a format that works, a set that looks good, lighting, and a moderator with skill. You need to push and challenge the candidates to stay on topic and relevant to the issues of the day. That's one reason broadcast journalists bring so much value to these debates. Of course, you need producers who understand what it takes to keep eyeballs on the screen, not just television screens but the digital and social spaces too. In that context, I'm sure you know that CBC News is not only a television and radio broadcaster but also a digital leader in Canada, reaching 18.3 million unique visits. In big moments, though, as I think all of us will echo, nothing matches the power and draw of television when it's done properly.

Three, we need to redefine the parties' role in the process. I recognize that's risky—you're all affiliated with political parties—but bear with me. It's our assessment that the biggest flaw in the current system is that the parties are able to use their leverage to direct the debate process. Although it became fashionable in 2015 to attack the major broadcast networks, the truth is that we have never controlled the terms of the debates. They have been the product of a delicate negotiating dance with the political parties themselves. Each party pushes for every edge it can get, from where and when the debate takes place to who can take part to what format is acceptable. They threaten to withhold their participation as they seek terms to give them advantage.

In 2015 the networks acted in good faith but were strung along for months, until we were pushed right off the stage, at least in the English debates. In this the public was not well served. A fraction of Canadians were reached when you compare the audience numbers with those of 2011. If we accomplish nothing else here, it should be to depoliticize the process, put the public interest out front, and ensure that partisan interests are kept in check.

My colleague Michel Cormier of Radio-Canada will explain how this played out in the 2015 campaign.

• (1105)

Mr. Michel Cormier (General Manager, News and Current Affairs, French Services, Canadian Broadcasting Corporation): I get to do this because I was intimately involved in negotiating the debates, especially the French one.

[Translation]

The 2015 election debate context was a strange one indeed. There was no national televised debate in English because one of the parties declined to participate. In French, there was a national debate with all the major party leaders but without the participation of one of the two major television networks. I'll come back to the French debate later.

There is a point of view that the reason the debate negotiations failed is because the consortium model is a failed one. That broadcast executives negotiating behind closed doors with party representatives is undemocratic, that debate rules and parameters set by journalists may serve the interests of television but not political debate.

While we agree that the process has to evolve, let me inject some nuance into this argument by revisiting what happened.

The English debate did not happen because the whole negotiation process was highly politicized. From the early spring of 2015, when we made our first approach to the parties, to the dying days of the campaign, when we still held out hope for a debate, we could not get a commitment from the party in power to participate. The misgivings were not about inclusion or the use of social media or format or content, they were about the consortium itself.

We have always been open to widely distribute the debate and were already in discussions with Google and Facebook to increase its reach on digital platforms. Essentially, as long as the consortium was involved in the exercise—

[English]

Mr. David Christopherson (Hamilton Centre, NDP): I have a point of order, Mr. Chair.

I'm sorry. I'm having some confusion understanding why we don't have copies of this presentation. I understand that there were copies given in both official languages, but for some reason they're not in front of us. Please help me.

Mr. Michel Cormier: Am I talking too fast for the interpreter?

Mr. David Christopherson: No, it's not that. It's procedural. Normally we have copies of what you're saying in front of us for accuracy, but I don't. I'm trying to find out why because apparently you sent them in, in both languages.

Mr. Michel Cormier: I have a copy in English here if you want.

Mr. David Christopherson: That's fine.

The Chair: Apparently there weren't enough copies. They're just making copies.

Mr. David Christopherson: If I hadn't raised a point of order, we wouldn't have gotten them because we didn't have enough copies. That can't be correct. Is that what happened?

The Chair: The clerk says that they had confusion between them; it's their fault.

Mr. David Christopherson: Okay, I just wanted to make clear what happened.

Did you say we're getting copies done ASAP?

The Chair: Yes.

Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): I think I'm right in saying that there may be more than one copy of some of these. If so, why don't we just give one to each party if there are enough to do that. The three Conservatives could share, for example. That way, Mr. Christopherson could have one.

The Chair: Good idea. We'll do that.

Mr. David Christopherson: But please, in the future, there's no reason to keep copies of these in an envelope because there aren't enough copies. Do you know how many photocopiers are probably in this building?

Anyway, that's fine. Thank you.

• (1110)

The Chair: The Corus one is not in both languages, so we won't be able to distribute that one.

Monsieur Michel Cormier, please continue.

[Translation]

Mr. Michel Cormier: I was saying that we were even in discussions with Google and Facebook to increase the reach of the debate on digital platforms. Essentially, as long as the consortium was involved in the exercise, the debate was not possible. There was also an opinion that a number of smaller debates was better than one big television debate. This is what eventually happened in English.

Was the voting public better served by this? We think not. The combined audience of these debates was far less than what a national television debate usually gets.

Let me reiterate. We, the major television networks, were open to revisit the format, to make it less staid, to include more partners in making sure that the highest number of voters could access the debate, through Facebook and other platforms. But the discussion never got there. Excluding the consortium from the exercise, in our view, was a disservice to Canadian democracy.

The experience in French was radically different. After much negotiation, all parties eventually agreed to a debate organized by Radio-Canada under the umbrella of the consortium. The parties, at some point, concluded that it was in their interest to participate. We, at Radio-Canada, partnered with other media. TVA held its own leaders' debate on Quebec issues for a Quebec audience. We included the newspaper *La Presse*, Télé-Québec, Quebec's public broadcaster, as well as Facebook and YouTube, and we made our signal available for a minimum fee to broadcasters like CPAC. We also broadcast the debate on radio and streamed it on all our digital platforms. CBC and CTV, by the way, broadcast the French debate in translation on their all-news networks and Global TV also broadcast the debate on its website.

Radio-Canada produced the debate in our studios and we picked up most of the tab because we believe that it is part of our mandate as a public broadcaster. We also were the only ones with the technical resources and expertise to produce and distribute the debate. The event was a democratic success. We reached more than 1 million viewers on all combined platforms. A national audience that had access to the same information to help them make an informed decision about the leadership of the country.

In a way, the French debate addressed many of the issues that concern the committee. It was inclusive, we reached out to many partners and made the signal available to many others to make sure as many people as possible had access to the debate. We used social platforms to reach other audiences, cord-cutters, who do not subscribe to television service. For the record, our digital reach is as important as our television audience.

So, to conclude, the post-consortium or consortium-plus model we are all looking for may already be out there. What we need, and what we are open to, is a structure that de-politicizes the process, and a commitment from all parties to participate in a wide-ranging, readily available, national debate.

My colleague Troy from Global Television will now explain why it is imperative that major broadcasters be active participants in this process.

Thank you.

[English]

Mr. Troy Reeb (Senior Vice-President, News, Radio and Station Operations, Corus Entertainment Inc.): Thank you. Good morning.

As mentioned, my name is Troy Reeb. I currently serve as the senior vice-president in charge of Global news, radio and station operations for Corus Entertainment. In a previous capacity, I also served six years as chair of the broadcast consortium on debates and elections and oversaw the process that helped to create the highly successful and highly watched 2008 and 2011 televised leaders' debates.

I will recognize right off the bat that the word "consortium" conjures up images of a grandly organized body, though I should point out that we are very much competitors every day of the week, and we do not speak with a single voice despite the fact that we are all here in front of you today. In the case of the consortium, it simply represents an ad hoc agreement of various news organizations to work together in the public interest. Its creation stems from a desire of the parties to not participate in multiple debates, and a desire of the broadcasters to not be pitted against one another for the right to hold a debate and then to reach as large an audience as possible when a debate was held.

The consortium was never designed to limit the number of debates. I say to you firmly today, the more debates, the better. Indeed, during past elections Global News and other members of the consortium have staged their own supplementary debates. We've staged regional debates, specific topic debates, often featuring candidates beyond the party leaders. This diversity of debates should be encouraged, but there should also be at least one well-produced national debate in each official language that meets broadcast and journalistic standards and is distributed as broadly as possible to Canadians.

To be frank, a chamber of commerce debate does not meet that test. A debate live-streamed by an online magazine does not meet that test: proper lighting, camera placement, pacing, topic choices, a skilled moderator, a set not emblazoned with advertising. As we saw in 2015, all of these things matter, and all of these things also cost money.

A witness earlier this week pointed out, quite correctly actually, that one could now stage a debate and distribute it online for almost zero cost. What he failed to point out is that without production values, proper facilities, and I would say very importantly a journalistic frame for that debate, then there would be almost zero viewers as well.

In the past, consortium debates have been paid for by the participating news organizations and distributed to other media either on a cost-share or sometimes free basis. It has, of course, been up to the individual choice of any media organization as to whether they choose to carry it, and often that's based on whether it meets their standards and the standards that their audience would expect of a debate. This needs to continue to be the case, regardless of how future debates are produced. We, as broadcasters, as journalistic organizations, have the responsibility for upholding our conditions of licence and our journalistic standards. The ability of news organizations to make programming decisions independently is as key to the free functioning of democracy as is the ability to engage in vigorous debate.

I look forward to your questions later, and I'll turn it over to my colleague, Wendy Freeman.

• (1115)

Ms. Wendy Freeman (President, CTV News, Bell Media Inc.): Good morning. Thank you for allowing us the opportunity to provide our feedback on this important process. As broadcast networks, Canadians have long counted on our involvement in the debate process. We consider it an obligation to our viewers and the communities we serve. We believe that it is in the best interest of democracy to expose as many Canadians as possible to our potential leaders as they debate the issues affecting our nation.

We are open to working with an independent commission or commissioner. It is imperative that we have a seat at the table to create a process that works for Canadians. As broadcast networks, we play an indispensable role in ensuring a functioning democracy, one that is designed to properly inform our citizens through inclusion and transparency. Together our networks reach the most Canadians of any communications platform. This was the reason we formed the consortium in the first place, to ensure that the largest audience has access to the debates. We can all agree that an informed citizenry ensures that more Canadians make educated decisions at the polls, and we take great pride in this role.

In 2011 the consortium's English-language debate reached over 10 million Canadians, or 46% of the population, and four million Canadians tuned in to watch the consortium's French-language debate, or 50% of the population. In 2015 a different debate structure, without the involvement of Canada's national broadcast networks, was proposed and followed. The debates were smaller and much more scaled down, and unfortunately, viewership, compared with previous years, was alarmingly low.

You may ask yourself if, in today's social media and digital streaming universe, TV networks even matter. The answer is yes, they absolutely matter. We can demonstrate with hard data that Canadians still very much tune into television, especially live-event television. In fact, we only need to look south of the border, where last year's U.S. election debates drew a record 259 million viewers.

There have been calls for the debate process to be treated as a democratic exercise and not to concern itself with the journalistic integrity that established and trusted news organizations deliver to Canadians each and every day. I ask you, should we not strive for both? The consortium was founded on journalistic values and the broad experience of its members. As a consortium, we have the

journalistic broadcast and digital production expertise to deliver the best possible debate content, adequately representative of the Canadian political reality, in a format that can generate the broadest possible audience.

Successful debates are a high point of our democratic process. With the onset of the fake news phenomenon, it is even more important that credible journalism play a strong role in our debates. Voters should not be forced to get their information second-hand via highlight reels, clips taken out of context, or through the delivery of coordinated fake news.

Moving forward, as my colleague said earlier, there are many questions that need to be answered. How do we reach the most Canadians possible? How do we provide the best experience, in a journalistic and non-partisan way, to involve Canadians and maximize voter engagement while drawing the biggest audience? How do we depoliticize the process without cutting off more debates from happening?

Once again, the best way to serve democracy is through reach and credibility. In 2015 the debates went unseen by millions of Canadians. We owe it to Canadians to do better. Together we can create a solution that strengthens our democracy, and we are committed to meeting that objective.

Thank you, and we look forward to your questions.

• (1120)

The Chair: Thank you, everyone.

Now we'll go to questions, from one broadcaster to some others.

Mr. Simms.

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): I was a weatherman, so it wasn't quite the same. Anyway, I'll leave it at that.

Mr. David Christopherson: Fake weather.

Voices: Oh, oh!

Mr. Scott Simms: Yes, I didn't even have to be right. It's a great business to be in.

Everything was going hunky-dory as far as the paradigm that you've outlined here.

Mr. Reeb, I appreciate what you're saying about the form of this thing. A leaders' debate run through the Fogo Island chamber of commerce does not quite have the same impact as what you're doing. I get that. The journalistic principles, the lights, the sets, the shooting, all of that I get. Things are going fairly well from the 1968 debate all the way through. Now in the last one, things started to go a little awry. We have all these platforms, and now you have major leaders saying they're not doing a debate, or they are, and who's involved, so on and so forth.

I have two questions. The first one is, basically, how do you look at a leader of a national party who doesn't want to participate in what you're offering? Should there be penalties in place by which they should be at that debate?

The second question I have is, what you outlined, that paradigm you outlined, we're here to see if we can hand that paradigm over to an official body that does just that, as deemed by Parliament. How do you see that working?

I apologize for the two questions, because I want to get all of you on this.

Maybe, Mr. Reeb, we'll start with you.

Mr. Troy Reeb: Thank you. You did that right, even without a green screen behind you.

Voices: Oh, oh!

Mr. Troy Reeb: It's an interesting question. The consortium has taken flak in the past for the fact that a lot of its discussions took place behind closed doors, in camera.

I would say to the members of this committee that you know that the kinds of conversations you can have in camera around publicly sensitive topics are different than the kinds of conversations you can have when the cameras are rolling. I think, as journalists and people who head news organizations, we are very much in favour of providing more transparency to the discussions that lead to a debate.

The problem is that the more politicized those discussions become, the more difficult it is to reach a consensus for how a debate can take place. I think if we saw what happened in the 2015 process, the politicization happened very, very early, and for whatever reason, one party in particular decided there was an advantage to be gained by continuing to play media organizations against each other. I think we saw the results of that, and Canadians weren't as well served with a debate.

I don't think it's my place—I wouldn't say it's the place of anybody else on this panel—to suggest whether there should be penalties for someone who doesn't participate in the debate. That would be the work of this committee, I'm sure. The challenge has always been to compel participation, particularly when one party or one leader feels the deck is not stacked in their favour by the format of the debate. That's why there's a lot of back and forth between party officials to try to come up with a format that works for all. Recognizing that's rarely achieved, it then starts to fall to public pressure. The public expects there to be a broadly televised debate.

Therefore, if someone doesn't want to participate, it's the public pressure that would be put on that leader as a result that has been the accountability mechanism in the past. It clearly didn't work the last time.

Mr. Scott Simms: So an empty podium would be punishment enough.

Mr. Troy Reeb: I'm sorry, it's not my determination to say whether that's the case.

Mr. Scott Simms: I understand.

● (1125)

Ms. Jennifer McGuire: I think where the public doesn't understand the process of the debate is with regard to how much of it is a negotiated process. There's negotiation among the broadcast consortium, because we're competitors and there are things that have to be sort of compromised on to put the debate forward.

Certainly with the parties, the negotiations go beyond what I think the public perception of it would be. I mean, my—

Mr. Scott Simms: I'm sorry to interrupt. When you say that, though, if there's a commission put in place to do all that, there's not going to be that much negotiation because of the rules put in place.

Would you agree with that?

Ms. Jennifer McGuire: Listen, CBC/Radio-Canada is the public broadcaster. We would support working with an independent commission if that's what this committee decides to do. The caveat from us would be that it's not only staging a debate that matters; it's engaging Canadians.

Particularly in this climate of information and fractured participation in media, creating a collective experience and broad engagement of the debate is important, recognizing that whatever frame you put on it has to evolve with the political reality that has evolved over time.

Mr. Scott Simms: Okay.

Ms. Freeman.

Ms. Wendy Freeman: I would agree with my colleagues.

It's a negotiation, and it changes with how the world is as well. Set rules don't always work, depending on what's going on in the political realm.

Again, I don't think it's our place to decide any penalties. I think that's something you would have to do.

Mr. Scott Simms: Quickly, then, would I be right in saying that with a commission that is set up—whether it's a commissioner, Elections Canada, all that stuff—would you feel there's a structure in place to propose what it is that you do? Do you see this structure being fairly loose, in other words, a lot of negotiations to be maintained, but handled by this particular commission or commissioner?

Ms. McGuire.

Ms. Jennifer McGuire: I'll speak for CBC. I won't speak on behalf of the other networks.

We would absolutely support definition around a debate guarantee. If you look at the consortium—and I was the chair of the 2015 consortium, as much of a ride as that was—most of our conversations were about actually getting the debate to happen. If that were guaranteed, if there were some guarantee of the number of debates and participation, I still think it would be an obligation of the journalists to frame the issues and create that independence around the journalism piece of it, in terms of connecting it to what we understand, through our daily reporting, Canadians want and care about.

Mr. Scott Simms: Can we get comments from the others as well, if that's possible?

The Chair: Michel Cormier.

Mr. Michel Cormier: I'll chime in on the last point. I think in terms of credibility for the public, if there is a commission, it can't be seen to set all the rules and the themes and we broadcasters are just here to broadcast a debate. The public has to be convinced that we have an independent role in holding those debates and making them happen, so I think that's a very important issue. You don't want to lose the credibility of the exercise by giving the impression that this is directed by the parties.

The Chair: Thank you.

Now we'll go to Mr. Nater.

Mr. John Nater (Perth—Wellington, CPC): Thank you, Mr. Chair.

Thank you to our witnesses as well. I appreciate your joining us today.

On Tuesday we heard from Paul Wells from *Maclean's* that the first debate, the *Maclean's* debate, was off to all the major broadcasters for a manageable and usual fee. Why did your stations decline to air that debate?

Ms. Jennifer McGuire: We were still involved in active conversations and still held hope that an English-language debate would happen. We saw movement on the French side where no debate was offered at the beginning of the process, and in the end we had a debate. We were convinced with the impact of the first debates in relatively small reach that it would be in everybody's interest to get there. It didn't in the end, but it was our belief that it was still possible, and that's why.

Mr. John Nater: You didn't carry the other four debates either. Why?

Ms. Jennifer McGuire: We were still actively in conversations to try to make a debate happen with the broadcast consortium.

Mr. John Nater: Even up until October 2, when the TVA debate was aired?

• (1130)

Ms. Jennifer McGuire: Yes.

Mr. John Nater: In your opening comments, Ms. McGuire, you said that you “share the same objective as this committee—to find the most effective way of providing voters with the tools they need to make thoughtful, informed choices and to engage Canadians...in the democratic process.”

How is it engaging Canadians in the political process if the CBC is airing *Coronation Street* or *Dragons' Den* rather than one of these five debates? How is that in the public interest? I know a lot of Canadians love *Coronation Street*. I know people love *Dragons' Den*. One of the dragons even tried to become our leader. But how is it in the democratic interest when you're the national broadcaster and you refuse to air one of those five debates?

Ms. Jennifer McGuire: We aired the debate. That was done by the consortium.

Mr. John Nater: No, you aired it on the news network.

Ms. Jennifer McGuire: That's right, and our election coverage is not only limited to covering the debates. I think if you did a content analysis of CBC's coverage of the election, you'd find Canadians were very well served with a lot of content about the campaign.

Mr. John Nater: Okay.

I'll move on to CTV. In your opening comments, Ms. Freeman, you said, “We believe that it is in the best interest of democracy to expose as many Canadians as possible to our potential leaders as they debate the issues affecting our nation”.

Yet CTV saw fit to run a rerun of *The Big Bang Theory*, *The Goldbergs*, *Saving Hope*, and *Gotham*. I know that perhaps the finance minister took that to heart, and that's his Bruce Wayne complex, but again, how is airing these American television episodes doing anything when we had five debates being offered to Canadians and your network refused to air all of them? How is that serving Canadians' best interests?

Ms. Wendy Freeman: We were holding out in the hopes that we were going to have an English debate, which we would have aired on the main network. That never happened. We always hoped it would. We did run the French debate on our news channel, and we did stream it live.

Mr. John Nater: Again, that was on your news channel. Why not the main network?

Ms. Wendy Freeman: It was because we were not putting on those debates. We were holding out that we were going to do that.

Again, as my colleague said earlier, there were production and journalistic values in putting things on. We wanted to put on our debate and, as I said earlier, we ran the French debate on our news channel. We live-streamed it, and we were hoping that we would have an English debate that would be far-reaching and put on our main networks.

Mr. John Nater: The consortium is saying it's like the kid in the schoolyard. If you don't get your way, you're not playing.

Mr. Troy Reeb: I'll jump in on this one.

First, I'm assuming that you're not advocating that another company's product should be pushed onto a private broadcaster's airwaves.

Leaving that aside, the fact of the matter is that, as part of the consortium, there was a negotiation not just with the parties but between the networks as well. We are accountable for what runs on our airwaves, not only for the broadcast standards that are required but for meeting the standards of our journalistic principles and practices. I know that when we are organizing the debate with the other members of the consortium, those journalistic principles and practices are going to be met. We're part of producing that debate. We're not just willy-nilly going to take a product that is offered and comes down a pipe and put it onto airwaves that we're accountable for, and certainly not when it involves splashing a billboard for *Maclean's* magazine all over the set.

Beyond the other issues, I can speak very specifically on behalf of Corus, and on behalf of the private broadcaster, that the idea of having a product forced upon us simply isn't on.

Mr. John Nater: I'm hoping that you're not now implying that someone like Paul Wells has journalistic standards that are willy-nilly.

Ms. Jennifer McGuire: No, but we....

Mr. Troy Reeb: I'm not trying to imply that at all, but I have no idea what kind of deal Rogers Communications may have done to create that debate. They were the producers of the debate behind the scenes. We knew for a fact as members of the consortium that one party in particular was seeking very friendly terms to try to participate in debates.

Ms. Jennifer McGuire: That was my other point. The negotiations for the debate are not only about when it happens and where it happens, but the terms of how the format happens, the kind of content. These are all part of those conversations. We as journalistic organizations had no visibility into that.

Mr. John Nater: One of the suggestions that was made was that CPAC be given the authority to produce and broadcast the debates and then a mandatory carry for the major broadcast. Would you support that, if CPAC were to produce and distribute the debates and you simply pick up the feed for a manageable fee?

Ms. Jennifer McGuire: We're open to looking at any scenarios moving forward. To give you some context on what a robust production of a debate costs, in 2011 it was about \$250,000 to put on that debate. That's before you count displaced ad revenue on all of the networks who replaced other programming, that is commercial programming, to air it.

Again, my point is that we're open to considering anything moving forward. We're here to be part of the process, but at the end of the day there are two issues. One, how do you make them happen? Two, how do you get Canadians to engage in them?

Both in our view are important.

• (1135)

The Chair: Thank you.

Before we go to Mr. Christopherson, just so both panels that are in the room know, we're extending this five minutes so Elizabeth May can participate. Then our second panel will be about 10 minutes later than our normal time frame.

Mr. Christopherson.

Mr. David Christopherson: Great. Thank you very much, Chair.

Thank you, all, for being here. My first observation is that it's nice to see gender balance. It's very good.

Having said that, I have to tell you, given that you're all journalists and news agencies, I'm left at the end of your presentations with "what's the news?" You, Ms. Freeman, said you're open to working with an independent commission or commissioners. I've heard the collective message that the idea of a consortium method is good. You thought that's healthy.

We've heard in detail about how it all fell apart last time. I have to say that's what's really motivating me this time. It was, when the idea first came up, from having watched what happened last time and thinking that this is nuts. I don't know how much my party was

culpable, too. I'm just saying a pox on all their houses. Canadians were let down. We have to fix this.

Having come all the way around, what would you recommend? I think maybe what you're saying is to keep the consortium idea. That would be part of the main debate. I'm really not clear on what it is you're urging us to do.

What is your perspective? You said you're willing to work if we go with an independent commission. Do you like that idea? Is that what you think we should do? Are you recommending that we stay out and let you continue to do it the way you have done it in the past and you're going to try to do a better job? What exactly are you recommending that we do?

Ms. Jennifer McGuire: We like the idea of a guaranteed debate and that it not be part of the negotiation process, open to the terms of when and where being defined. We think that having the big broadcasters involved in defining the production of it is advantageous in terms of having it reach a bigger audiences.

With respect to CPAC, I think the impact that you would have by having the production approach that has happened through the consortium would be far beneficial and have greater impact. It's guaranteeing that it happens but letting the production and journalistic frame happen through the journalistic organizations.

Ms. Wendy Freeman: That's not to say other debates couldn't happen either, around this. It would be for there to be one big English-language debate that all Canadians can watch with lots of others happening.

Mr. Troy Reeb: I'll reiterate what I said in my presentation, the more debates the better. Perhaps the consortium process would not have been necessary in the past had the campaigns been longer and parties been more willing to participate in more high-profile debates. It would be fantastic if each one of the networks up here and lots of other media organizations got to stage their own debates, but there is a limited appetite amongst those in the backrooms of your parties to do multiple debates. Therefore, there was an effort to come together to try to get one to stand out from the rest. That's the resulting consortium process.

We would be thrilled, I will only speak for us, to stage our own debate. But we don't want to start getting into battles with the other networks about who's going to get it this year, who's going to get it next year. That starts the process of going back and forth and trying to curry favour with the parties, which no one wants to get into.

Mr. David Christopherson: The main question for us is whether or not there should be an independent entity of some sort and if so, what it would look like and things like that. I am still having some problems understanding your recommendations vis-à-vis that. I am not sure you've even spoken to that directly. I am trying to understand your message. The main thing you are trying to say is to preserve the consortium idea that there are the two big debates in both languages.

You don't really have as much comment on whether we would do that within a commission or with the Chief Electoral Officer—and that would be fine, too. I am just trying to understand exactly what your message is. As of yet, you haven't talked to us directly about whether there should be an independent entity. If so, do you have a preference in terms of what that would look like?

• (1140)

Mr. Troy Reeb: Again, I will speak for my organization, because I can't for my colleagues. Our preference is that there be as light a touch as possible. The independence of our news organization is sacrosanct to us, and we don't believe that there should be heavy regulation to try to mandate something when it comes to a debate.

To compel participation would be helpful. That's something that we have—

Mr. David Christopherson: I'm the other way around. I have to tell you, my gut reaction is the other way around. If you are stupid enough not to go to a high-profile debate, hopefully you'll pay a price. In terms of regulating—

Mr. Troy Reeb: Some would say that happens but...

Mr. David Christopherson: —if we don't step in and do something, there is a good chance we are going to end up in the mess we got into last time. You and I have known each other for a while, Troy. I have to say that, on this one, one of us is right and one of us is wrong. History will tell.

Is there anybody else?

Mr. Michel Cormier: I think the basic problem we have is that we don't have time to actually negotiate the terms of debate. We are just negotiating to see if there is a debate. If the best way to have a commitment from all parties, before the election is called, to participate in a national debate is through some kind of legal framework—

Mr. David Christopherson: Let me see if I understand what you are saying. You think you could make this work in a positive way for Canadians if there was something that compelled people and you removed “I won't play” as an option. Am I correct?

Ms. Jennifer McGuire: Yes. If there was a guarantee that it would happen, we are confident that we could extend the reach digitally. In 2015, we had Facebook, Google, YouTube, and Twitter all on board to extend the social and digital reach, but it just didn't get a chance to be implemented.

Mr. David Christopherson: Let me flip it around, then, and put the question to you. If we went down that road, do you have a preference about whether we go with a stand-alone entity or a carve-out within Elections Canada? Does it matter to you whether that entity is stand-alone or Elections Canada? Do you have a preference?

Mr. Michel Cormier: I don't know. We haven't seen any proposal yet.

Mr. David Christopherson: Because there isn't one....

Mr. Michel Cormier: I know. It's kind of hard to—

Mr. David Christopherson: I hear you. We are in the process of doing that. I am trying to elicit as much input as I can from you folks. You are a big part of the play. What you think is going to find

its way into our thinking, and I'm just giving you as much opportunity as possible to influence that outcome. Have at it.

Mr. Troy Reeb: If I may.... Whether it's one or the other, from our perspective—and I think I am speaking for my colleagues now—the news organizations would want to have significant say there. It's important to have.... CPAC was referenced earlier. CPAC runs vigorous debate on television every day. I'll show you what the ratings are. They are not very good. That's because they are sort of taking raw debate the way it is set up in the Commons, or in the committee rooms sometimes. However, if you frame that with a proper moderator and in the proper circumstance, and you have the journalistic pulse that's provided to make sure that it hits all the touch points, then you create great television and you connect with all kinds of Canadians. I think the role of the news organizations is really key in that.

It's also key that we figure out scheduling. For a committee to just say, “We are going to stick this on Wednesday nights at nine”, then you're up against *Survivor*. Even if you mandate that it go on Global and that we bump *Survivor*, *Survivor* is still going to be on CBS and the tribe will have spoken by the end of that debate. There is a lot of stuff that needs to be figured out.

Ms. Wendy Freeman: So I—

The Chair: Briefly, please, because the time is up.

Also, welcome to the kids at the committee. We love to have kids here.

Wendy, go ahead.

Ms. Wendy Freeman: I was just going to say that we want to be a part of whatever is decided.

Mr. David Christopherson: At the end of the day, I can't imagine that you wouldn't be, I have to say.

I think my time is done. Thank you, Chair.

Thanks very much for the answers. I appreciate it.

[*Translation*]

The Chair: Thank you.

Mr. Bittle, the floor is yours.

[*English*]

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

Thank you so much, everyone, for participating today.

A number of you spoke about journalistic standards. I'm wondering if you could expand on what that means to your organizations. If there are examples from a debate that didn't conform to those standards, if you could perhaps highlight those for us, we could have a better idea of what you're referring to.

• (1145)

Ms. Jennifer McGuire: Journalistic standards include defining what topics get discussed, defining how the debate will take place in terms of the format, and having a journalist be able to ask follow-up questions in the context of the issues of the day, again, to move past prepared speeches into some of the back and forth around the issues. You want the person who's moderating to cover the issues. You want someone who knows the issues, who can participate and gear and reality-check if necessary.

You want to make sure, in the staging of the debate, that you're touching the issues that you see, in terms of whatever the campaign is, really matter to Canadians.

Ms. Wendy Freeman: The moderator is a good example. It really needs to be someone who is following politics and really understands the issues of the day. Also, even in the production, journalism is involved—the way the shots are, the sets, etc.

Mr. Chris Bittle: This is a specific question. I know we haven't provided a proposed framework, but hypothetically speaking, if there were a framework and an independent commissioner put forward, with advice and/or input from the broadcasters, would the broadcasters accept a change to the Broadcasting Act requiring them to broadcast the debate if it was approved by an independent commissioner, having been advised by the broadcasters?

Ms. Jennifer McGuire: Certainly, CBC is going to play in whatever scenario gets put forward. I would say that in terms of public trust, the arm's-length view, having the journalists frame the issues will be important in terms of how it resonates.

Ms. Wendy Freeman: I don't think we should ever be forced into doing anything that we normally would be doing. We've always run debates in the past, and we want to run them again.

Mr. Troy Reeb: I wouldn't pretend to answer your question with another question, but how broad is that change to the Broadcasting Act? There are 300-plus licensed channels in this country. To be clear, at Global, our local stations are not required to cover national news. We are not mandated to do a national newscast. We're licensed as local stations. We voluntarily create a national news broadcast, and we voluntarily open a bureau here on Parliament Hill to cover the affairs of the nation.

Should Global be penalized in its regulation because of its voluntary acquiescence to doing the right thing in the past? Why not mandate the debate on TSN or on Food Network, or on the myriad other channels that are out there—on Netflix or YouTube or Facebook? Where does this go? Even in the conventional television space, there are many licensed over-the-air broadcasters that have not taken the debates in the past and choose not to have national news organizations.

I think we would be very resistant to that. Without consulting with my regulatory team, I can't say that we wouldn't accept something, but I would say we would be very resistant to any such change.

Mr. Chris Bittle: In my opinion, zero nationally broadcast debates is clearly not enough for Canadians. I know Mr. Reeb talked about the shortness, typically, of the writ period. On the other side of it, is there a number of debates that is too many? Is there an ideal number—one in English, one in French? Should there be more?

What are your thoughts in terms of viewership by Canadians to get the most reach and have the best interest of the public at heart?

Ms. Wendy Freeman: We definitely have to have one in English and one in French. I think there was a year in which we did two in French and two in English. I can't remember when that was, but absolutely, we need to have at least one in each language.

Ms. Jennifer McGuire: The value of having more is that you can frame them more narrowly, but you're going to lose the impact. In terms of having too many, it is a relatively short period of time.

Mr. Chris Bittle: Is the timing of the debate something that a commissioner should get into? Is that something that should be discussed? Is that something the networks have an opinion on? Is there a better time frame—closer to the election, in the middle of the election—or is it best to have, as some have suggested, a more nimble organization that really doesn't get into it and be too overly prescriptive as parliamentarians on such an independent commissioner?

• (1150)

Ms. Jennifer McGuire: Certainly we would advocate for it being well into the campaign. Canadians have their interests piqued and there's more engagement, we think, mid-campaign or later. However, I think that should be negotiated with the networks.

As Troy said, even for us there is a negotiation that goes on with our own networks in terms of positioning it to advantage, but there are revenue implications for all of us in terms of displacing existing programming. That is also a negotiation among the networks.

Mr. Chris Bittle: I think I'm out of time. Thank you so much.

The Chair: We have Ms. May for five minutes.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

Thanks to colleagues around the table because I'm allowed to sit at the table, just for background, but I'm not necessarily allowed to speak without the consent of my colleagues.

I've been engaging with the consortium. In fact, the first and only face-to-face meeting I had with the consortium was back in 2007, so it's a decade of experience. I have to say that over that time I've had the impression that many individual members of the consortium regarded the task as thankless. I think your appearance before the committee today absolutely underscores how thankless it is, but I do want to thank you, although I've had a rather bad experience.

I want to approach the narrative that's emerging today that somehow the debates were all going really well between the late sixties up until 2015. Just for purposes of historical interest, I think you may recall Tony Burman's op-ed. Tony Burman, who was editor-in-chief of CBC News, chaired the consortium between 2000 and 2007, and this op-ed ran in *The Globe and Mail* under the heading "The election debate process is a sham". What he concentrated on was this, which is his first line:

Prime Minister Harper's refusal to allow the Green Party leader to participate in the Federal Election Debates is cynical and self-serving, but at least it exposes the sham that Canada's election debate process has become.

This article appeared in March 2009. What he refers to, of course, is that:

The CRTC and federal courts have reaffirmed the networks' right to "produce" this broadcast on their own, without any outside interference. And this is certainly the claim of the networks—including by me when I chaired the "consortium" for those seven years. But in reality, the government in power has a veto, and without the Prime Minister's participation, the debate won't happen.

We've skirted around this issue so far today.

In terms of reflecting back, I've been involved in getting in the debates, not getting in the debates, rules changing, debates disappearing, and so on, for a decade. I'm just wondering whether you would agree with Tony Burman that the parties negotiate, but the larger parties have systematically operated to exclude smaller parties from access to the room where the negotiations happen.

Mr. Troy Reeb: First off, I won't fully disagree with Mr. Burman's comments on that. I've been involved in lots of debate negotiations not only at the federal level but at the provincial level as well. I would say that the front-running party in the election often has the hammer in terms of how they get pulled to the table or not, or they perceive that they have the hammer because their participation is key. They're the ones that are either going to go up or down following the debate, and they have wielded that hammer to the best of their ability.

To the point about the exclusion of smaller parties, it is not simply a function of the parties involved. It's a function of us as well who have worked at times to exclude smaller parties. We want debates that work well on television. We want debates that don't become a cacophony of arguing. We want debates that are simple for the viewer to comprehend. We understand that we have obligations in terms of how we cover news, and we want to ensure that we give proper coverage to smaller parties elsewhere.

However, I wouldn't say it's only a function of the major parties that have worked to exclude the smaller parties. Certainly, it's part of it.

• (1155)

Ms. Elizabeth May: I'm sorry for switching gears. I have a minute left.

There is one thing I've observed over the years. It's that being in the debates also dictates how much coverage those parties get. You'll see the bands of the colours of the five parties on the screen at the beginning, and when the Bloc or the Greens are suddenly out, it goes to the three parties' colours.

Could you reflect on the news coverage that is linked to debate participation?

Mr. Troy Reeb: I won't. I'm not here to justify our news coverage. I'm happy to talk about the debate participation.

Mr. Michel Cormier: But we do have criteria for allowing the parties, and I think that's why Radio-Canada has to be.... We haven't talked about the French market, which is very different. We have TVA, which is basically a Quebec-based network, and Radio-Canada, which broadcasts more across the country.

In the debate that we had, we included the Green Party. Although a lot of people told us it was suicidal to do that, we thought it would make for a better debate. There was a broader view expressed and the ratings were there.

Ms. Jennifer McGuire: We monitor our election coverage pretty closely overall, and I don't think those are themes that we have seen play out.

The Chair: Thank you very much.

Now we move back to Mr. Nater.

Mr. John Nater: Thank you, Mr. Chair.

Thank you again for the opportunity to ask a couple of questions.

I want to follow up on a question that Mr. Bittle asked. In response, our panellists gave certain general comments about journalistic standards and production values of the debates that were held. I want to get to a greater level of specificity.

I'd like to offer each of you an opportunity to tell me exactly what your concerns were with the journalistic standards of the moderators, such as Paul Wells, David Walmsley, Rudyard Griffiths, and Pierre Bruneau. What was the problem with the journalistic standards of those moderators in the debates?

Ms. Jennifer McGuire: I don't think it's fair for us to comment on how David Walmsley performed as a moderator, or the journalistic credibility of Paul Wells—

Mr. John Nater: But you did—

Ms. Jennifer McGuire: —who clearly is a very capable journalist. I think our position is to move this process forward. We can debate for hours what happened in 2015, but our understanding of the goal is for us to bring insights to this process to move it forward.

What I will say on behalf of CBC/Radio-Canada is that we know the nature of the discussions in the negotiations to make a debate happen. We know it involves who gets to play. We know it involves a format, locations, timing, topics. To not be part of any of those conversations in other sorts of contexts, for us, is an issue in terms of offering our airways and opening them up. It's not a political advertisement or a political announcement. This is a journalistic exercise for us. If that shifts, then the framing of it will shift for us too.

We absolutely want to play, but as it stands now, we treat this very much as a journalistic exercise. Just as we wouldn't rerun content that we haven't verified in terms of a news organization, the same approach applies in terms of understanding the trade-offs that are made to guarantee a debate.

Mr. John Nater: Ms. Freeman, I see you want to answer.

Ms. Wendy Freeman: I agree with my colleague. We want to move this forward.

I'm not going to talk about what they did and who moderated, and all of that. This is about finding a solution. That's why we're here today, to find a solution, and look forward not backward.

Canadians were not well served, and it's about serving Canada in the future, and looking ahead.

Mr. John Nater: You're saying Canadians weren't well served, but yet you're not willing to pinpoint exactly where that failure happened in these other four debates. You're not willing to tell me where the journalists who moderated the debate did not perform well. You're not willing to tell me that. You're saying that only you, the consortium, should be hosting the major national broadcast. You're not willing to pinpoint exactly where those so-called journalistic failures happened and where that challenge is, yet you're casting aspersions that they were.

My second point is on production values, and I'll give you the opportunity....

In each of those four debates that the consortium didn't run, tell me specifically what you would have changed in terms of the production of those debates? What were your concerns with the production of those debates? Was it camera angles?

Mr. Troy Reeb: If you would like me to respond to that—

Mr. John Nater: Please do.

Mr. Troy Reeb: —there was lots to criticize in the production of several of those debates.

However, the bottom line comes down to, I'm not going to flip the switch and put on to our network a product that we're not familiar with. If someone hands you a sandwich on the street, you might be hungry but you're probably not going to take a bite if it's a strange sandwich suddenly coming to you.

That was the choice we were being offered, to basically open the switch and take a product from the Munk centre or from Rogers —“Hey, put this on your airwaves”—for which you have accountability for that broadcast.

We answer to the Canadian Broadcasting Standards Council, to the CRTC. We're not prepared to do that. We weren't prepared to do it then. I wouldn't necessarily be prepared to do it if it was the CBC that was putting on its own product as well.

We want to have a voice and we want to have an understanding of what that product is going to be.

•(1200)

Mr. John Nater: So you want to be in control.

Ms. Jennifer McGuire: To be clear, in 2015 the rationale was really that we were still in active conversation, and we were hopeful and confident that we would get a debate.

Mr. John Nater: Airing more than one debate would have been a problem for you as a national broadcaster committed to—

Ms. Jennifer McGuire: No. In fact, in 2015 we were proposing four.

Mr. John Nater: But only those that were hosted by you, the consortium.

Ms. Jennifer McGuire: We had organized a consortium to create the widest reach of the debates to Canadians and to defray our individual costs to produce them.

Mr. John Nater: Following up on that widest reach, could you tell me what your online viewership was?

The Chair: In 10 seconds or less....

Mr. John Nater: It will only take 10 seconds.

Ms. Jennifer McGuire: Currently, CBC—

Mr. John Nater: No, no, the viewership of the debate you streamed online.

Ms. Jennifer McGuire: I would have to pull that number. I don't have it in front of me.

Mr. John Nater: Could you please provide it to the clerk?

Ms. Jennifer McGuire: Yes.

The Chair: Thank you, Mr. Nater.

Our last questioner is Ms. Tassi.

Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.): Thank you, Mr. Chair. I'm actually going to split my time with Ms. Sahota. We both have questions that we would like to present to the panel.

I want to thank you for being here today and for the input. It's been very helpful for me. I appreciate your comments with respect to the excellence of the product, and I agree with that. I think that we will engage more Canadians by providing an excellent product. I know that you put a lot of time and effort into doing that.

In terms of what we're here for today—I think, Wendy, you mentioned it in terms of finding a solution—I have a two-part question. First, we are trying to see to it that we present an excellent product that helps inform voters and engages voters. Do you see the establishment of a commission or a commissioner in helping us to get to that end?

Second, what input would you give us with respect to how to move forward in order to establish a framework in which you're still going to provide and have input on the excellence of the product but we get to a point where we are able to present excellent products at the end, with the role of a commissioner if you feel that's the right move?

Ms. Jennifer McGuire: I would encourage flexibility.

I will tell you that even from a broadcast perspective, we produce a television product and distribute it digitally, but that is no longer the reality of how people consume content. More and more, we're moving towards interactivity in the digital and social spaces. What the production model is and how you could define that in a fixed way.... I don't know how you do something that will be relevant five or 10 years down the road because how people consume content is changing at such a rapid rate.

That is why we're arguing that people with the production expertise who are active in these spaces should help frame the nature of the product that is created, and then the journalistic independence will impact whether people trust it or not. We know that.

We would absolutely support a guarantee of access. Would we work with an independent commission? Absolutely, we would. Does the CBC feel it has a role to play in this? Yes, as I'm sure the other broadcasters will say as well.

Ms. Filomena Tassi: Do you see it as a consortium still, where you gather together, come up with ideas, and then present them to the commissioner? Is that what you think is a positive move forward?

Ms. Jennifer McGuire: My view would be that the committee frame the conditions for a debate to happen and then we figure out the best way to connect it and engage with Canadians.

Ms. Ruby Sahota (Brampton North, Lib.): Quickly, with what little time I may have left, there was evidence, through testimony previously presented to this committee, that not only a commission or a commissioner could perform this role, that it could be the broadcast arbitrator. What are your thoughts about that?

Mr. Troy Reeb: Are you referring to the CRTC or...?

Ms. Ruby Sahota: I actually don't know what they were referring to, but they said that there was a broadcast arbitrator that could play this role, to make sure that there weren't the disagreements that happened last time.

Ms. Jennifer McGuire: Are you referring to the CRTC, or...?

•(1205)

Ms. Ruby Sahota: I believe so.

The Chair: I think it might be Elections Canada that is the broadcast arbitrator.

Ms. Ruby Sahota: That's correct. Thank you so much, Mr. Chair.

Elections Canada has a role as broadcast arbitrator to decide how the airing of advertising happens during the election. They were referring to that arbitrator. Do you see that they could maybe play this role?

Ms. Jennifer McGuire: I would have to think about it more, where it best sits. Again, I think that when they happen and how they get scheduled should be an active conversation, to position them to have greater impact.

Ms. Ruby Sahota: Okay.

You were saying that you would like to compel the leaders, but you won't say what kinds of penalties should be associated with that or how we motivate them. What stops companies like YouTube from having their own debate and perhaps the leaders running to that debate if they see a big public interest in that forum? Even if tomorrow we have a commissioner who says, "We're mandating these four debates. These are the official debates," what's to stop us from being sidelined by a big YouTube debate? Who's to control that? How do we do anything about it?

Mr. Troy Reeb: Honestly, I don't know that anybody does, and hopefully YouTube does try to stage a big debate. As I said earlier, the more debates the better. Canadians deserve to hear from their prospective leaders on the platforms that they choose. By and large,

the largest platform continues to be television, particularly for live events.

I would like to draw the distinction between being television broadcasters and being news organizations, which I think is paramount here. It's to have a debate that is framed through the window of a news organization, so there is a story that's told that can be engaging to Canadians, and the debate is framed that way.

I don't think there should be anything that should limit who is able to propose debates.

Ms. Wendy Freeman: I think it's also important to know that these are not journalists at YouTube. YouTube is a distributor. They are not production experts. They are not journalists. I'm not sure who they would get to moderate a debate. They are distributors of video.

Ms. Ruby Sahota: I'm sure many people would be willing to come forward to do that, but I'm just asking how we control that, and whether we control it. I liked the answer I got.

Ms. Jennifer McGuire: The big digital social players were absolutely engaged and on board to participate in the consortium in the last round. I think, if the question whether the consortium can look different from these four people, absolutely it can and should. It should broaden, particularly if you're trying to reach millennial and younger audiences who will only consume their content via a digital channel.

The Chair: Thank you.

If it's okay with the committee, I would like to have one short question.

Do you feel, if there is an independent commission or commissioner, that the broadcasters—and it seemed so from your presentation—should have some input into the subjects and topics so that perhaps they are more sensational or they create more advertising, as opposed to an independent commissioner who would pick something that's more in the public interest?

Ms. Jennifer McGuire: We see defining the topics or trying to speak for Canadians or advocate on behalf of Canadians as a journalistic exercise. What has been the preoccupation in any given campaign has shifted, so it is to try to keep that independent, however you frame this exercise.

Mr. Troy Reeb: To be clear, Mr. Chair, the debates, as long as I've been involved with them, have always been run commercial free, so it's not like there's an advertising win there.

The Chair: Great.

We really appreciate your being here. I know you're all very busy, and it's very helpful to be able to go right to the core of your interests. It will certainly help our deliberations.

We'll break for a couple of minutes while we change panels.

•(1205)

_____ (Pause) _____

•(1210)

The Chair: Good afternoon, and welcome back to the 82nd meeting of the Standing Committee on Procedure and House Affairs as we continue our study on the creation of an independent commissioner responsible for leaders' debates.

We are happy to have the following witnesses. From Elections Canada, we have Stéphane Perrault, acting chief electoral officer; and Anne Lawson, general counsel and senior director, legal services. They are almost a part of this committee, they are here so often. It's great to have you back.

From the Canadian Radio-television and Telecommunications Commission, we have Michael Craig, manager, English and third-language television; and Peter McCallum, general counsel, communications law.

Perhaps we could have Elections Canada go first.

[*Translation*]

Mr. Stéphane Perrault (Acting Chief Electoral Officer, Elections Canada): Thank you, Mr. Chair.

It is my pleasure to assist the committee in its study of the creation of an independent commission responsible for leaders' debates.

I have been following the proceedings of the committee and am pleased to provide input from the perspective of Elections Canada. My remarks will briefly touch on the objectives that, in my view, should inform the creation of an independent commission, or commissioner, for regulating leaders' debates. I will also outline a number of considerations respecting how such an entity could be structured and function, should the committee choose to recommend one.

There are several models internationally for leaders' debates, including regulation through an independent public commission. But, before looking at a particular design, it is important, in my view, to look at the objectives that may lead this committee to recommend the creation of a commission and that, if it does, may determine the mandate and certain features of the commission's structure.

For my part, I would suggest the following three objectives that directly contribute to a fair and open electoral process. Clearly, these concerns are my own.

First, debates should be organized in a manner that is fair, non-partisan and transparent.

Second, debates should be broadly accessible to the public. For example, they should be presented in a format that is available to the largest possible audience, including persons with disabilities.

Third, debates should contribute to informing the electorate of the range of political options they have to choose from.

There are three considerations to be taken into account in establishing an independent commission, or a commissioner. First, there is the matter of the criteria for inclusion in the debates. You know that one of the most important and contentious issues with regard to leaders' debates is who is included. Everyone is aware that this question has given rise to significant controversy over the years. In my view, an independent commission should not be mired in controversies regarding inclusion, especially in the middle of an election campaign. For that reason, the criteria for inclusion in the debates must be clear, and should allow for no or very little residual discretion by the commission. The criteria may allow for a range of factors. I know that, last week, witnesses came before the committee to talk about a range of factors. I am specifically thinking about

Mr. Fox, who talked about a basket of criteria. The criteria could allow for a good deal of flexibility, for example, to allow for the participation of emerging parties.

But the criteria should be such that their application by the commission should be straightforward, if not mechanical. It is important to keep in mind that, to date, challenges to leaders' debates under the Canadian Charter of Rights and Freedoms have failed on the basis that they were essentially private events not subject to charter scrutiny.

If a commission were created to regulate the debates, and more specifically participation in the debates, the commission would be subject to the Canadian charter without doubt.

I recognize that it is difficult to draw the line regarding inclusion in leaders' debates. For this very reason, I feel that it is important for parliamentarians to establish the appropriate criteria rather than the commission. I feel that the commission must apply criteria that are flexible, but that provide no room for discretion.

● (1215)

[*English*]

The second point regards the format and content of debates. While I believe the criteria for inclusion should leave little to no discretion to a commission, I see no reason that it could not have broad latitude in shaping the format and editorial aspects of the debates, subject only to the overarching objectives that I highlighted at the beginning of my remarks.

In terms of the format, as we know, the media landscape is in constant evolution, in particular with respect to social media. The commission should have the latitude to adjust with the industry and to take advantage of the opportunities.

In deciding the format, however, the equality of French and English must be respected and promoted. The broadcasting of the debates should also ensure access for people with disabilities. This means providing closed-captioning, sign language, accessible web design, or other means of facilitating access for persons with specific disabilities.

In dealing with both the content and format of the debates, an independent commission or commissioner could be required to receive input from participants and other stakeholders. It could also, and I believe this is important, be required to report to Parliament after the election to ensure transparency in its decision-making.

The final consideration is the structure of an independent commission. Obviously, the committee will need to consider the leadership and membership of a commission. Certainly the chair and members of a commission, should there be additional members, need to have the knowledge and expertise to organize debates. They could include representatives of the traditional networks as well as representatives of new media, appointed through a formula that prevents partisanship. They could also include representatives of civil society groups. If the chosen model was that of a single commissioner, he or she could consult with civil society groups and other stakeholders or set up an advisory committee to assist him or her in making decisions.

Some have suggested that Elections Canada should have a role to play in this area. With due respect, I disagree. I strongly believe that Elections Canada must be insulated from any decision-making regarding the leaders' debates so as to remain above the fray.

Debates are an important element of the campaign and often contribute to defining the ballot box issues. This is what makes the debates exciting and important. The Chief Electoral Officer should not be involved in matters that could be perceived as having an influence on the orientation of the campaign or the results of the election.

That being said, you may wish to consider a broadcasting arbitrator in establishing a commissioner or an independent commission. As you know, the arbitrator is an independent office-holder under the Canada Elections Act. He is appointed by unanimous consent of the parties in the House of Commons, or if there is no consent, by the Chief Electoral Officer after consultation with the parties. For example, the broadcasting arbitrator could be appointed as the chair of the commission to play essentially a facilitating role in convening the commission and ensuring that it functions properly, or instead, the model of the arbitrator could be emulated in the establishment of either a new commission or commissioner.

Finally, the nature of the commission's mandate may not necessitate an ongoing entity. Its activities will likely be sporadic and its meetings ad hoc. For example, most of the editorial decisions may be made in the lead-up to or during the campaign.

Elections Canada could certainly provide administrative support for an independent commission, including the payment of the commission's expenses. This is the model that is currently followed for the broadcasting arbitrator. It is also the model followed for the electoral boundaries commissions, which work independently from Elections Canada. It's a flexible and effective model that allows the commission to function with some basic administrative support without implicating Elections Canada in the decisions themselves.

Mr. Chair, I've set out a number of considerations that I hope will be helpful to the committee. I would be happy to answer any questions that committee members may have.

●(1220)

The Chair: Thank you very much.

Now can we have the CRTC?

Mr. Michael Craig (Manager, English and Third-language Television, Canadian Radio-television and Telecommunications Commission): Thank you, Mr. Chairman. Thank you for inviting us to appear before this committee as part of your study on a proposal to create an independent commission or commissioner to organize political party leaders' debates during future federal election campaigns.

My name is Michael Craig, and I am a manager in the television policy group at the Canadian Radio-television and Telecommunications Commission or the CRTC. With me today is my colleague Peter McCallum, and he is our general counsel of communications law.

We are pleased to have this opportunity to explain the role played by the CRTC as it pertains to leaders' debates during federal elections.

[*Translation*]

The Broadcasting Act sets out, among other things, that the programming provided by the Canadian broadcasting system offer a balance of information and provide a reasonable opportunity for the public to be exposed to the expression of different views on matters of public concern.

As trustees of the public airwaves, radio and television broadcasters play a significant role in providing news and information to Canadians, particularly during elections. They have a duty to ensure that the public has sufficient knowledge of the issues surrounding an election, and the positions of political parties and candidates to the public at large. Such a role is vital to the functioning of the democracy we enjoy in this country.

[*English*]

Our role at the CRTC is to ensure that broadcasters serve the Canadian public during elections so that citizens may make informed decisions on election day. The CRTC, as a matter of principle, does not dictate the type of content that broadcasters must air, be it political coverage or otherwise. Those are editorial and business decisions best left to the broadcasters themselves.

The Broadcasting Act does give the CRTC the power to make regulations regarding the proportion of time that may be devoted to the broadcasting of programs, advertisements, or announcements of a partisan political character.

[*Translation*]

Accordingly, the commission has made regulations affecting most broadcasters if they choose to air programs of a political nature. Those that do are required to allocate time for the broadcast of programs, advertisements or announcements of a partisan political character on an equitable basis to all accredited political parties and rival candidates.

In addition, the Canada Elections Act requires that the CRTC publish a bulletin within four days of the writ being issued for a general election. The bulletin essentially reminds broadcasters of their obligations during the election period. What follows is set out in these bulletins.

●(1225)

[*English*]

Mr. Peter McCallum (General Counsel, Communications Law, Canadian Radio-television and Telecommunications Commission): Let me explain how we fulfill our mandate. Broadcasters must offer equitable on-air time to all candidates, parties, and issues during the election, so if broadcasters offer time on air they must do so for all candidates and parties. This enables them to share their ideas and opinions on issues with the public. The decision to accept or reject that offer of time on air rests solely with the candidate or party.

I'll pause for just a moment to make an important clarification. "Equitable", which is in our regulations, does not necessarily mean equal. Our role at the CRTC is not to ensure that every candidate or party receives the same time on air as any other.

[Translation]

Similarly, the CRTC has also identified four types of election coverage: first, campaign advertising time paid for by a party or candidate; second, free campaign advertising time for a party or candidate; third, campaign news coverage; and fourth, public affairs and prime-time advertising during federal elections.

In most of these types of coverage, offers that are extended to one party or candidate must also be extended to other candidates or parties. So if one party or candidate receives free time, rival parties and candidates must also be offered free time. And if a broadcaster sells paid advertising time to any party or candidate, it must also make advertising time available to rival parties and candidates.

[English]

As far as debates among political leaders during election times are concerned, the CRTC's current approach was put in place in 1995 following a decision of the Ontario Court of Appeal that held that debates were not of a partisan political character. As a result, debate programs do not need to feature all the rival parties or candidates in one or more programs. So long as the broadcaster takes steps to ensure that audiences are informed on the main issues, and the positions of the candidates and the parties are presented on their public affairs programming generally, the CRTC considers them to be in compliance with its regulation.

[Translation]

Mr. Michael Craig: Mr. Chair, honourable members, your committee has asked the CRTC to comment on the question of how an independent commission or commissioner might organize political party leaders' debates during future federal election campaigns.

As an independent regulator, the CRTC does not have any views on this proposal. The role of the CRTC is to supervise and regulate the Canadian broadcasting system in a flexible way, and to be responsive to the legislative frameworks that Parliament adopts.

[English]

We would be pleased to answer your questions about our experience in administering our current regulations as they concern federal election campaigns. We trust this will assist the committee in its work on these important issues for our democracy.

Thank you.

The Chair: Thank you very much for being here.

We're all very busy, and we'll start the questions with Mr. Graham.

[Translation]

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Mr. Perrault, Mr. Craig, Mr. McCallum and Ms. Lawson, thank you for being here.

[English]

Welcome back. It's nice to see you here.

[Translation]

Mr. Perrault, we see you a little less frequently than Ms. Lawson. We are pleased to welcome you.

You expressed some concerns about the Charter. You were saying that, if this became a public issue, rather than a private one, it could contravene the Canadian Charter of Rights and Freedoms. Given that situation, what should the criteria be? How far can we go with the criteria?

Mr. Stéphane Perrault: As soon as participation is regulated, Charter arguments can arise, saying that the rules are inadequate, either in terms of having the right to vote and being eligible to vote, or in terms of freedom of expression, whatever. I believe that those discussions should be held outside the election campaign. In my opinion, priority number one is that the criteria should be written into the law. Any challenge would be about the law itself, not about the application of the law by a commission or a commissioner in the middle of an election campaign. That is the main thing.

As for the criteria that should be chosen, you have heard other witnesses propose various criteria. For me, it's a tricky question. I understand that we cannot have a leaders' debate with 22 leaders at the same time. On the other hand, it is not up to me to come up with rules that would exclude any of them. My role is to look after all political parties, not to propose a framework for which parties should take part in the debates.

You have heard various proposals from the witnesses. What emerges from the proposals is the possibility of creating a flexible system that is open to emerging parties, while recognizing the need for an informative debate to take place between a limited number of participants.

Clearly, there are other possibilities, like alternative debates and so on. Once again, it is not my role to propose a framework for participation.

●(1230)

Mr. David de Burgh Graham: If the Chief Electoral Officer were responsible for managing the debate, would he be able to give the parties unequal amounts of time?

By virtue of his role, should the Chief Electoral Officer force the 15 or 22 leaders to show up, so that it is fair for everyone?

Mr. Stéphane Perrault: Should the Chief Electoral Officer have the power to force the leaders to show up?

That question has been raised several times, unless I have misunderstood you.

Mr. David de Burgh Graham: No, my question is the opposite.

If you were responsible for managing the debate, would it be beyond your mandate to say that one party can appear but not another?

Mr. Stéphane Perrault: I think your question shows why that cannot be the role of the Chief Electoral Officer. It is not up to the Chief Electoral Officer to exclude participants from a debate in the middle of the election campaign.

Mr. David de Burgh Graham: It would be bad for his overall mandate.

Mr. Stéphane Perrault: Absolutely.

That is something that my presentation today has to make very clear. It cannot be the responsibility of the Chief Electoral Officer.

Mr. David de Burgh Graham: I share your opinion; I just wanted it to be included in the transcript.

[*English*]

For the CRTC, you mentioned “equitable” versus “equal”. I wanted to dig a little more deeply into that. I’m not really fully clear, if you have a debate of candidates locally, for example, and you don’t include all the candidates, how that is permissible. You explain that it is, but I don’t really follow how that is.

Mr. Peter McCallum: First of all, the CRTC does not mandate debates. The CRTC says that the court decision of 1993 means that the debates themselves are not about partisan political character. The “equitable” and in fact the obligation of balance, which is also in the Broadcasting Act, apply throughout the broadcast period, the election period, which is a defined term and is defined by the issue of the writs.

It’s measured by the CRTC in response to, for example, complaints, by looking at the overall conduct of the broadcasters during the entire election period as to what they have shown, what they have not shown, and what parties they have featured in the four types of coverage I mentioned.

“Equity” does not necessarily mean “equal”. It recognizes that broadcasters have the liberty of expression that’s guaranteed in the charter and also mentioned in the Broadcasting Act to make that sort of editorial decision. It does not necessarily mean “equal”, but the “equity” of the choices are looked at globally over the period.

Mr. David de Burgh Graham: Okay.

A witness at a previous meeting suggested that the commission shouldn’t necessarily be called the “Leaders Debate Commission” but just the “Debates Commission”. Do you think any such structure should have a role in local debates or just in national debates? Do you have any opinion on the matter?

Mr. Stéphane Perrault: I would be inclined to suggest that the first order of business would be that if you’re going to create a commission to start with the leaders’ debate, it’s quite a task to deal with the full magnitude of an all-candidates’ debate in all 338 ridings.

That said, a commission could conceivably set out best practices and guidelines that could serve as a model code for people organizing debates. That’s a different matter from having a commission involved in every debate in every riding in an election.

Mr. David de Burgh Graham: Are there any comments?

Mr. Michael Craig: As I explained in my opening remarks, anything to do with the structure of a commission or the mandate and role of a commission or a commissioner is not something we’re going to be taking an opinion on.

• (1235)

Mr. David de Burgh Graham: I understand. Thank you very much.

I’ll pass my remaining time over to Ms. Sahota.

Ms. Ruby Sahota: I’m very interested to hear that you’re absolutely against the idea of Elections Canada being involved. That has enlightened me, and I completely agree. I think it would be wise to maintain their independence for the election purpose.

At the same time, you said that the broadcast arbitrator could sit as a chair on the commission. Do you think that would still be seen as not having independence from the election?

Mr. Stéphane Perrault: To me that’s a very different matter. The broadcasting arbitrator sits under the umbrella of the Canada Elections Act. It operates completely independently from the Chief Electoral Officer and is appointed, as I’ve said, by unanimous agreement of the parties in the House. There’s an arm’s-length relationship; its decisions are not that of the Chief Electoral Officer.

At the same time, what I like about this model is that given the fact that this commission would not likely be operating on a full-time basis—it would need to ramp up and down—having a new bureaucracy created for it seems a bit rich. Having Elections Canada provide administrative support, as we do for electoral boundaries commissions or for the the arbitrator, is appealing.

Ms. Ruby Sahota: Thank you.

The Chair: Thank you.

We’ll now go to Mr. Reid, for seven minutes.

Mr. Scott Reid: Thank you very much, Mr. Chair.

I have a series of questions, all of which stem from Mr. Perrault’s excellent presentation. I thought it was one of the most thoughtful presentations I’ve heard on any subject before this committee for some time. But before I do that, I just want to respond editorially to Mr. Graham’s inquiry about local debates.

There are no formal standards for local debates, as he knows. If you look around, you’ll discover that they take on a very similar character across ridings and within a riding, despite the fact that these groups clearly don’t talk to each other. The scheduling of debates in my own very large, rural riding confirms this. We are constantly driving back and forth from the far ends of the riding. That being said, they do have a natural symmetry.

I just wanted to say that once you get into having some kind of central control, you have to start getting into centralized criteria such as accessibility. In a rural riding like mine, or yours—our Chief Electoral Officer can confirm this—trying to find suitable polling locations that are accessible and meet all the relevant criteria is a logistical nightmare. We frequently fudge on that, the chambers of commerce and so on that organize these things. I think allowing that fudge factor to continue to exist is the right way of handling things. A decentralized system is the best way of achieving it. Those are my thoughts.

My questions are for Mr. Perrault.

Let me start with page 3 of your presentation. You suggested there are three important objectives that need to be met. You said that debates should be organized in a manner that is fair, non-partisan, and transparent, and that debates should be as broadly accessible as possible to the public. You then made specific reference to making sure they are available to persons with disabilities. I imagine you're thinking primarily of visual and auditory disabilities, although you may have others in mind as well. The third criterion was that they should inform the electorate of the range of political options they have to choose from. I assume that is a reference to the various political parties.

Mr. Stéphane Perrault: That's correct.

Mr. Scott Reid: Let me ask this question. Looking at 2015—essentially the most recent status quo—where do you think we failed on those criteria? Where is there room for improvement, based on what you saw happening in 2015?

Mr. Stéphane Perrault: I'm not in a position to comment on what happened in 2015 in terms of the debates, whether they met anybody's standard or expectation. You've heard from a number of witnesses on that point. I'll leave it at that.

These I put forward as objectives, not as criteria that must be met. I think this is the spirit or the objectives that I think could serve to guide the mandate of a commission, should the committee want to establish one. I'm not saying, for example, that all parties would have to be represented in the same format at the same time in a single debate. I'm saying that the spirit of having a commission would be in part to ensure there's the broadest possible way of informing Canadians on the various options.

I'm not sure if that answers your question.

• (1240)

Mr. Scott Reid: It does answer my question. I just wanted to make sure there weren't some further thoughts that you had, but did not have the ability to express. You've been very helpful that way.

The next question I want to ask relates to page 4 of your presentation where you say that “criteria for inclusion in the debates must be clear, and should allow for no or very little residual discretion by the commission.” I just want to editorialize that I think you're right. This does raise the question that a commission would presumably, as our electoral boundaries commissions do, have to formulate its proposals well in advance of an election in order to ensure that we are not in the middle of a writ period or at the dawn of a writ period, surprised to discover that, for example, the Green Party is in or out.

Does it seem reasonable to you that a commission or commissioner ought to have to make recommendations in this regard, assuming that he or she has been left with that discretion well in advance of a writ period, in order to allow the appropriate public feedback that meets whatever standards Canadians have?

Mr. Stéphane Perrault: Maybe I wasn't clear in my explanation. I don't think that the commission or commissioner should have the role of establishing the criteria. I think it's preferable for Parliament to decide what the criteria are, and that the commission or commissioner simply have a role in a fairly mechanical way of applying those criteria. I think Parliament is better positioned. I think having the commissioner establish the criteria would bring him or

her into controversies. I don't know that it's something that would be of use to be done well in advance of the election. Things may evolve closer to the election, so that's my position.

Mr. Scott Reid: Actually, you did make it clear. As you were speaking, I was looking at the part of your presentation that I hadn't read while I was making notes on it. First time around, you did specifically use the word “mechanical”, so you were quite clear on that.

That raises the point, if I may editorialize again for the benefit of the whole committee, that we'd have to put criteria, whatever the criteria are determined on which parties are in and which ones are out, in the statute itself. I don't think that is a problem that can be avoided if we aren't giving it to the commissioner.

In the remaining moment I have left, I just want to ask, does this require a commission model? Does it require changes to the Canada Elections Act or not?

Mr. Stéphane Perrault: I guess it would depend on the model that you choose. You could conceivably do it through that mechanism if you are to enrich, for example, the mandate of the broadcasting arbitrator. There may be stand-alone legislation as an alternative option.

Mr. Scott Reid: Right. I have 30 seconds left, so I'll ask another question here. You used the electoral boundaries redistribution model and the commissions that are set up as a potential model. The question that occurred to me was, either we have a commissioner who is paid full time to mostly do nothing, or else we have a job that's episodic.

I personally wouldn't want that job. Everybody's going to hate you, you don't get paid very much, and it's only episodic. The Electoral Boundaries Readjustment Act had similar problems, and they've been overcome somehow. Do you have any insight as to how one would deal with that?

Mr. Stéphane Perrault: The broadcasting arbitrator is episodic in the same way, so he's not paid full time. He's paid on a per diem basis. A similar model could be used here.

Mr. Scott Reid: Thank you. That's very helpful.

The Chair: Thank you, Mr. Reid.

[Translation]

It is now Mr. Christopherson's turn.

[English]

Mr. David Christopherson: Thanks, Chair.

I agree with Mr. Reid. You gave an excellent presentation, Mr. Perrault. At the risk of getting a civics lesson in public, which is probably what's about to happen, I have to say, just for my own benefit—bear with me—you stated in your remarks, “Some have suggested that Elections Canada should have a role to play in this area.... I strongly believe that Elections Canada must be insulated from any decision-making regarding the leaders' debates so as to remain above the fray.”

My difficulty is that I have trouble distinguishing the role that would be played here versus the role that the Chief Electoral Officer is already playing, where we're asking him to be fair-minded. There are an awful lot of decisions that are taken by the CEO where people could get angry and say, "Well, that's not right. You're screwing us. It's clear this is rigged." Yet you're suggesting that this particular aspect is so refined in its need to be pure that even you dare not go there.

Help me understand why you feel you can't stay above the fray when I'm looking at other areas where you're in the midst of the fray.

• (1245)

Mr. Stéphane Perrault: Essentially, because the debates get into the choice of substantive issues, and who gets to present and in what order, and who sits between who, and who is asking the questions and how they're being asked, all these issues are deeply within the hot issues of the campaign. We all know that leaders' debates can in some cases be a game-changer in a campaign. I can hardly see the Chief Electoral Officer being part of that game-changing moment in the campaign.

Mr. David Christopherson: I've heard others give the same opinion. I guess this is one of those times where we find ourselves thinking we're the only ones in the whole army marching wrong. I accept that's probably the prevailing view. I just can't get there. If I have to worry about the decisions that you might impact in this area, it would lead me immediately to think maybe I need to worry about some of the others, but I think you're talking about the scale of the impact and the cut and thrust of the election versus the framework you do. Anyway the civics lesson is concluded; I hear where you're coming from.

I was one of those saying "Elections Canada" or "a stand-alone" just because it made common sense to me. I'm pleased to see that you have suggested at least one role where it would be embedded, but you'd be removed from that decision-making. Again the whole idea of the cost factor, the idea of creating a whole bureaucracy to exist and remain idling for three and a half years doesn't make a lot of sense, and re-creating it from scratch every time, as often as Mr. Reid has noted, is not always the best approach.

I'm warming to one of the options that you presented, the broadcasting arbitrator. Talk to me a little more about how you'd see this working within the confines of your shop but allowing it to remain independent. Help me understand this a bit more.

Mr. Stéphane Perrault: To be frank I have not worked out all the details of this. I can certainly say that the way it works right now with the arbitrator, as it is with the boundaries commission, is that he does his own thing. He's the one who convenes the parties for example to allocate the broadcast time for the election. We provide administrative support for his work, and the same is true of the electoral boundaries commission. It is a flexible mechanism because at any point they can decide to convene a meeting, and we would provide the support for that, but we would not be the ones making the decisions.

Mr. David Christopherson: Right, and I'll tell you the ways I'm warming to it. I like the environment. As they're making the decisions, the people around them in their workplace are all geared to free, fair, transparency.... I'm warming to that one and will be

looking for those who could argue that it's a bad idea, and that I ought to take that in mind.

Can you tell me a bit more again exactly what the broadcasting arbitrator does?

Mr. Stéphane Perrault: His main role is very limited, but it's a role that can be critical during an election. He does two things. First, he applies a formula in the act for the allocation of free and paid time. That formula is in the act. A recommendation was made to this committee to review that and perhaps at some point you'll get to that.

Mr. David Christopherson: It's deep in the weeds these days, I have to tell you.

Mr. Stéphane Perrault: During an election there may be situations where there may be conflict regarding the purchase of time, whether a broadcaster makes available the right time at the right moment, or there may be issues between the broadcaster and the party, and he would serve as an arbitrator in that context. Those are his two roles.

Mr. David Christopherson: You said it's very episodic too. That one is episodic as well as the boundary commission, so the nature of this other one would not be a shock to your system.

• (1250)

Mr. Stéphane Perrault: That's correct. It's very similar.

Mr. David Christopherson: Chair, I'm good. I appreciate it. Thank you very much for the answers and thanks for the excellent presentation.

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

Now we're moving on to Ms. Tassi.

Ms. Filomena Tassi: Thanks to each of you for your participation today, your presence here, your testimony. Mr. McCallum, with respect to the Ontario Court of Appeal decision you referenced, was that 1993 or 1995?

Mr. Peter McCallum: I think it initially was 1993, but the current reference is to 1995.

Ms. Filomena Tassi: Okay.

Mr. Peter McCallum: Just for your information, leave to the Supreme Court of Canada was subsequently refused.

Ms. Filomena Tassi: Okay. That was part of my question.

Let me ask you this. Do I understand correctly, from what you said, that it was determined by the court of appeal that debates are not political or partisan in nature, and therefore, don't need to ensure that all parties participate? Is that right?

Mr. Peter McCallum: Effectively, yes.

What happened was that there was a prosecution under the Broadcasting Act, instituted by the exclusion of the Green Party from election coverage. It was an interpretation of section 8, I believe, of the TV regulations, which uses the expression "partisan political character". The court determined that debates do not fall within partisan political character. Therefore, section 8 is not engaged and the equity requirement in the regulations is not breached.

Ms. Filomena Tassi: I see.

Leave was made to the Supreme Court and was not granted.

Mr. Peter McCallum: Leave was denied. That is correct.

Ms. Filomena Tassi: Okay.

With respect to the relationship between this commission or commissioner and CRTC, how do you see that working? How do you see a relationship with a potential commissioner established?

Mr. Peter McCallum: I can't really answer that vis-à-vis a going-forward basis.

I can say something about the broadcasting arbitrator, and that is that it's recognized in the Canada Elections Act. There is a requirement for the CRTC to publish, for example, the results of the allocation of the 390 minutes among the parties. The CRTC duly publishes those results. It's a section of the Canada Elections Act. That is fairly episodic, but it also happens quite frequently during the period between elections, because some parties are registered and others are deregistered, which triggers a change in the allocation among the parties. The requirement to publish is in the act, and the CRTC duly publishes and follows the obligation as a result.

Ms. Filomena Tassi: It's just ensuring that those procedures are followed.

With respect to that, is there often a breach of the requirements?

Mr. Peter McCallum: I haven't been made aware of any breach.

Ms. Filomena Tassi: Very good.

Now I'll go over to Mr. Perrault.

You've spoken about the importance of Parliament establishing the criteria, and you've expanded a little on that. When you talk about the importance of Parliament establishing the criteria—taking that away from the commissioner and making sure Parliament establishes it—what criteria are you referring to?

Mr. Stéphane Perrault: These are not my criteria, but there have been proposals made regarding the percentage of votes received in the last election or the number of candidates who ran, these kinds of objective criteria. I like the idea that was suggested by Mr. Fox, who came last week, that if you meet a number of the criteria but not all, you may qualify to participate in the debate. This could provide some flexibility, for example, for non-parliamentary parties.

Those are the kinds of criteria that I would see set out in legislation.

Ms. Filomena Tassi: That would be conducted by Parliament.

What authority would the commissioner have with respect to establishing any criteria? Would the commissioner or commission have any authority?

Mr. Stéphane Perrault: My recommendation would be that he or she not have any authority. He or she would be applying fairly mechanical criteria set out by Parliament. There may be situations where you need to have some form of residual discretion, but I would remove that from the commissioner to all extent possible.

Ms. Filomena Tassi: How valuable do you think the role of the commissioner or commission is?

Mr. Stéphane Perrault: It depends. Again, that is why, at the outset, I asked what objectives you are trying to pursue. I think you

have to work from the objectives up, and see how a commission can assist in pursuing those objectives.

In my view, I do not see the commissioner as having a role in carving out which parties are excluded and which are included.

• (1255)

Ms. Filomena Tassi: What about other criteria, for example the number of debates, the language of the debates, or the content of the debates?

Mr. Stéphane Perrault: I see no reason why the commission or commissioner would not have broad latitude. To the extent that the commission is involved in editorial aspects of the debates and so forth, it must be equipped with the proper expertise. We were talking earlier about the broadcasting arbitrator. He has knowledge of the industry, but he is not a journalist and does not have the full range of expertise.

That is why, in my remarks, I said that if that were the model, he would either be supported by other members or have an advisory committee that he would create to reflect the interests of parties and civil society, and to speak to the media. I think the commission would need to have some expertise if it is going to be making content and format decisions.

Ms. Filomena Tassi: I'm going to take one more minute, Dave, but then I'll put it over to you. My colleague wants to ask another question.

One of the witnesses previously spoke about the commissioner being engaged in outreach with respect to stakeholders and ensuring research is done in order to get input from stakeholders generally, Canadians across the country, to determine what shape and form these take.

Would you support that?

Mr. Stéphane Perrault: I have no particular view on that.

I think that's one model. Another model is to have an advisory group of people from various walks of life that could assist the commission in making sure that, in their choices, they're reflecting the needs and interests of a range of people.

Ms. Filomena Tassi: Thank you.

I'll pass the last minute to Mr. Graham.

Mr. David de Burgh Graham: Thank you.

I had a question earlier that I lost, so I threw it over to Ruby.

Do you think that it is possible, workable, advisable, supportable to have any kind of a commission require mandatory carriage of debates in some way, shape, or form? Presumably, you can have all the debates you want but if the networks aren't carrying them, you're limiting who's actually going to see them.

Would it be workable—and I guess this is more for the CRTC, but you're both free to answer—to say every network must carry at least one debate in the language of their regular broadcasts?

Mr. Peter McCallum: I think some sort of mechanism would have to be put in place, whether it's an amendment to the Broadcasting Act or a direction or something, in order to make carriage of debates mandatory.

Right now, there's not an obligation in the act for broadcasters to carry debate programs. They have done it. The commission is happy with that, but there's not an obligation that requires them to do it. Some mechanism would have to be put in place in order to accomplish that.

Mr. Michael Craig: Yes, and just to loop back to my opening remarks, we don't take a stand on the programming that a broadcaster must broadcast. We don't dictate their editorial decisions or their business decisions. We leave it to them. To echo Mr. McCallum's response to you, there would have to be some form of change.

Mr. David de Burgh Graham: Thank you.

The Chair: Ms. May, we're delighted to have you speak again.

Ms. Elizabeth May: Thank you, Mr. Chair, and thank you to the witnesses for your excellent testimony.

It seems to me that it's boiling down to two questions and each of these bodies, Elections Canada and CRTC, have a role to play if we're looking at what kinds of rules we might want to put in place to have fair debates that reach the maximum number of Canadians. It looks like one mechanism is to get the debates on air, so that deals with broadcasting. The other is to get the leaders to show up in front of the podium.

Certainly your preference, Mr. Perrault, is that Parliament determine the criteria. I think that also makes a lot of sense. They should be predetermined so that, as Scott Reid was pointing out, we don't find out in the middle of the election campaign who's in and who's out, because it creates a lot of uncertainty.

On the point of how we might get the leaders there, I just wanted to put a question to you, Mr. Perrault.

It seems to me that election campaign financing might give us a bit of an effective inducement to show up. Contrary to the rhetoric when they cancelled the per vote support that we used to have due to the reform put in place by Jean Chrétien.... The rhetoric at the time of getting rid of that \$1.75 per vote, or whatever it was, was that the Canadian taxpayer doesn't want to fund political parties. However, we know that the Canadian taxpayer does fund political parties quite a lot, and the part that was cancelled was the smallest part. The biggest part is the rebates at the end of the campaign, and there's also the benefit of very generous tax treatment.

Focusing on the rebate...and I got this idea from a private members' bill that Kennedy Stewart put forward, which didn't succeed. He was trying to put forward the idea that if you had gender parity you'd get all your money back, but to the extent that you didn't have gender parity in your candidate selection a political party would get less money back.

I'm just wondering what your view would be if the Canada Elections Act was amended to say that any party leader of a recognized political party who meets the criteria to participate in the debate and who refuses to participate, faces some form—I'm not going to dictate what it might be—of financial penalty for failing to provide the Canadian public with what we all agree and all witnesses agree is the moment of maximum public engagement to see how policies and proposals are put forward by different leaders.

Would that be something that you'd think the Canada Elections Act...? Obviously, Parliament would determine it, but I think it would be an effective inducement. I'd just love your opinion on that.

● (1300)

Mr. Stéphane Perrault: I may disappoint you. I don't have a strong opinion on that in the sense that I do think that's a fundamental policy decision for Parliament.

I do think I could certainly administer such a regime. You may want to consider whether the mere fact of having created a commission, should you do that, which gives some standing to that debate, may be a sufficient incentive to participate in the debate and whether you actually need that additional financial incentive. It may be something to consider over time, but these are policy issues for Parliament.

Ms. Elizabeth May: As another policy issue, you mentioned the notion that there might be 22 leaders on the stage. I just want to clarify that in the current situation, I think, we have 15 recognized federal political parties.

Mr. Stéphane Perrault: We do have 15. We were up to 23 in the last election. It tends to go up as you get closer to the election. I suspect that next year we'll see additional parties registered.

Ms. Elizabeth May: Okay.

Although I may be wrong on this—I couldn't find it quickly in any Wikipedia sources, so I'll put it to you—to my recollection, other than the Liberals, Conservatives, New Democrats, Greens, and Bloc, the total vote count for, at that point, all the other 18 political parties didn't reach 2%. Is that correct?

Mr. Stéphane Perrault: I do not know the answer to that.

Ms. Elizabeth May: Okay. That's my recollection. You would agree that none of them come close to 1% on their own.

Mr. Stéphane Perrault: I think so. I think that's correct.

Ms. Elizabeth May: And 2% is the threshold in the elections act for the rebates that flow.

Mr. Stéphane Perrault: It's 2%, or 5% in the ridings in which the party supports candidates. It's dual criteria.

Ms. Elizabeth May: Those give us some guidance in terms of existing policy moving forward. If we're looking at the past record of which parties are able, despite.... We're not going to get into a discussion of electoral reform. A number of us around this table were part of the special parliamentary committee on electoral reform.

Setting that aside, under our current first-past-the-post voting system, it's very difficult to get MPs elected across the country if you're not able to.... Getting 2% is a tough challenge. That's what I'm trying to suggest.

Mr. Stéphane Perrault: Yes.

Ms. Elizabeth May: Okay.

In terms of what the CRTC does—this is again a policy question for Parliament—do you think there would be ways that Parliament could say to networks that provide news coverage, Canadian content across the country, that the participation in broadcasting debates could be made a licensing requirement?

Mr. Peter McCallum: As I said earlier, I think it would require some sort of amendment to the act or some other measure to accomplish that.

Ms. Elizabeth May: That was my assumption, that we'd be talking about amending the Broadcasting Act. Just as Elections Canada can't determine what's in the Canada Elections Act but can administer it, the CRTC would administer if it were in the Broadcasting Act as an amendment.

Mr. Peter McCallum: That's correct. If it were done by Parliament, CRTC would administer it.

Ms. Elizabeth May: I think those are all my questions. Thank you.

The Chair: Thank you, Ms. May.

The Conservatives have a couple of minutes. Do you have any questions?

Mr. Blake Richards (Banff—Airdrie, CPC): Thanks, Mr. Chair.

I guess to our folks in the CRTC, this follows up on the question Mr. Graham had in regard to the idea or concept of mandating that debates be carried. I was still a little bit unclear after the response. Would it be possible to do that under the current legislative framework, or would new legislation be required?

• (1305)

Mr. Peter McCallum: We believe it's not really possible under the current framework just because of the way in which the act is set out with objectives and balancing requirements and so on. There's also the fact that the courts said that debates were not of a partisan political character, so you'd need some other measure to get there.

Mr. Blake Richards: Putting aside political debate, is there any type of broadcast that now exists that's mandated? Is there anything through the CRTC or otherwise that you're aware of that's mandated and must be carried by television networks?

Mr. Peter McCallum: There are a lots of conditions of licence. My colleague Mr. Craig can speak to the conditions of licence that have mandatory requirements in them. There are quotas for Canadian content and so on and so forth.

Mr. Blake Richards: Canadian content aside, is there a specific event or one specific thing that's required to be broadcast by the networks? I get the Canadian content requirements, but I'm talking about one specific event or such thing.

Mr. Michael Craig: Our content requirements really are related to much broader things than a specific event. At the risk of sounding a little bit like a broken record—I do apologize—the notion is that the CRTC is not going to dictate editorial decisions or business decisions made by broadcasters. When we're talking about specific events, "You must carry x", that's what it would be boiling down to.

As Mr. McCallum said and as I think I have repeated a few times, this is not something that we do currently.

Mr. Blake Richards: Okay.

I know you don't have an opinion on this, and you're not wanting to offer one. That's fine. I'm not asking you to, but if it were determined—I'm certainly not necessarily advocating, either, that it be done—by this committee and then by the government that it was something they were going to do, and would require these things,

how would you envision that being enforced? Can you see a way that could be enforced?

Mr. Peter McCallum: I think it depends on the measure that's put in place in the first place, the content of the measure, and the specifics of it. It's a little hard to answer that. As I say, right now the election coverage is determined over the entire election period. Whichever measure it would be would have to be sufficiently specific in order to determine what the remedies might be. The Broadcasting Act does create certain remedies for situations where the broadcasters do not adhere to the regulations or the act, or to their conditions of licence, so it would have to be in some instrument that's possible to be enforced through the other instruments that exist in the Broadcasting Act.

Mr. Blake Richards: I don't want to put words in your mouth, but I get the sense that you're suggesting that this might be incredibly difficult to do.

Mr. Peter McCallum: It's up to Parliament, frankly. We have no opinion as to what the measure might be and how it would be implemented. That's up to Parliament. If Parliament decides that some measure is required, the CRTC will do its best to administer it.

Mr. Blake Richards: Okay. Thank you.

The Chair: Thank you.

Again, if the committee would indulge me for a minute, I'd like to follow up on what Mr. Richards said on making it mandatory.

In 2015, as Mr. Nater said, there was a poor turnout and the broadcasters didn't agree. One of the broadcasters suggested that you have to mandate everyone, such as Netflix, Google, Facebook, and all the dozens of channels in Canada, the Food Networks and so on. I'm not sure if anyone here can answer this. If not, I'm sure PCO will look it up.

Would the broadcasters have a legal case against the government if all these people I mentioned were also forced to carry the debates?

Mr. Peter McCallum: It's kind of hard to answer that. Right now certain entities are exempt from regulation in the sense that the Broadcasting Act has a provision in which they may be exempted from regulation. Broadcasting over the Internet is generally an exempt activity, so it would have to be thought through very carefully as to how to accomplish something like that. We have no view on how that might be accomplished, but it could be difficult. It could be difficult to enforce, depending on whether the entity is carrying on a broadcasting undertaking in Canada, which is another concept that's in the Broadcasting Act.

• (1310)

The Chair: Finally, who decides the subjects or topics? As regulators of the broadcasters, would you get a sense that the broadcasters may pick topics that would, if they had a say or controlled it, increase the number of viewers, increase their profile, or be in the interest of the broadcasters—as opposed to the independent commissioner who would decide the topics in the best interests of Canadians?

Mr. Peter McCallum: Again, I find that a little bit difficult to answer. The Broadcasting Act does, independently of the charter, recognize the journalistic freedom of expression of broadcasters, so that's one thing that would have to be taken into account. The only thing I can offer is that when the broadcasting arbitrator makes decisions on the allocation of advertising time, the broadcasting arbitrator convenes the different political parties in front of him and hears representations on those before making a decision. That's the only thing I can offer on that.

The Chair: Thank you very much.

We really appreciate your coming. Your wise counsel, as a number of people already mentioned, is very helpful. It gives us lots to think about.

Committee members, there's a little bit of homework for the weekend, if that's okay. There's a list here of all our witnesses for the rest of the study. They may not be in this order, but these are the ones who have agreed to come. We've agreed that if we're going to have anyone else before the given time for the report, we will have an extra meeting or an extended meeting. Let me know if there's anyone else you would like. Some of the people who were on the original huge list have declined to come. If there's someone you want who's not on this list, check with the clerk to make sure that they were asked and just declined. Then we'll sort that out on Tuesday.

Is there anything else? No.

The meeting is adjourned.

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