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• (1300)

[*English*]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): Hello, everyone.

Welcome back to the 33rd meeting of the House of Commons Standing Committee on Canadian Heritage.

Pursuant to order of reference on February 16, and the motion adopted by the committee on Monday, May 10, the committee resumes consideration of Bill C-10, an act to amend the Broadcasting Act and to make related and consequential amendments to other acts.

Today's meeting is taking place in a hybrid format as you can see across the screen. Again, I ask for your patience as we try to deal with this. Please only speak when recognized. Talking over each other under normal circumstances doesn't serve well, and, of course, being in a hybrid situation, or a virtual situation, it makes it even worse.

That being said, there's also one final rule I neglected to mention last time, and that is screenshots or taking photos of your screen are not permitted, please.

One final warning, we are televised today so I hope you are sounding and looking your best as we get on with our meeting.

As you know, thanks to a motion we have appearing before us right now the Honourable Steven Guilbeault, Minister of Canadian Heritage regarding Bill C-10. Also from the Department of Canadian Heritage, we have Thomas Owen Ripley, director general, broadcasting, copyright and creative marketplace; and Drew Olsen, senior director, marketplace and legislative policy.

From the Department of Justice, we invited the Minister of Justice. We received correspondence, and we have been advised that Minister Lametti respectfully declines the invitation. However, we do have from the Department of Justice Nathalie Drouin, deputy minister of justice and deputy attorney general of Canada; Sarah Geh, director general, human rights law section; and Michael Himsl, legal counsel, also from Canadian Heritage.

That being said, we go back to our original format of witnesses. What we normally do is we allow the chief witness up to 10 minutes to speak, and then we have questions and comments from members of the committee. We follow, based on our old regime, our old order of precedence, when it comes to questions.

Mr. Waugh, I see your hand up.

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

I want to thank, first of all, the Minister of Canadian Heritage for appearing here today as instructed. I want to thank the justice committee also, but we did have on Monday, May 10, as you know, from the Liberal side, Mr. Housefather's motion, and I subamended it, that we would get the Minister of Justice to also attend.

Thank you to the officials of Justice, but all 11 of us agreed in a unanimous motion that the Minister of Justice would also appear in this committee.

I'm not going to take up further time, I'm just going to flag it now, but for second hour we certainly would like to discuss this because it was a unanimous motion by all parties. We all agreed that we would get the Minister of Canadian Heritage and the Minister of Justice to come before we do the panel.

We have welcomed the Minister of Canadian Heritage here today. Maybe he wants to extend his stay for a few minutes because of my interjection. I want to hear what he has to say, we all want to hear what he has to say, but we are disappointed that the Minister of Justice, as you said, turned down our request, and it was a unanimous motion.

I want us to think about this, and how in the second hour we are going to deal with this.

Thank you very much, Mr. Chair.

• (1305)

The Chair: Thank you, Mr. Waugh, for the input.

I will receive direction at that point from the committee if it chooses to provide me the direction regarding that situation you just pointed out with the Minister of Justice.

In the meantime, we have the minister for one hour. I'm going to let him begin now with his comments.

Again, Mr. Minister, welcome back. You have up to 10 minutes.

[*Translation*]

Hon. Steven Guilbeault (Minister of Canadian Heritage): Thank you very much, Mr. Chair.

Good morning, members of the committee.

I'm joining you from Montréal, on the traditional lands of the Mohawk and other Haudenosaunee peoples.

I am pleased to appear before you to discuss Bill C-10, the explanatory document the Department of Justice drafted in response to your request, and the impact of your committee's amendments to Bill C-10.

I have with me officials from my department, as you said, Mr. Chair, as well as senior officials from the Department of Justice. I am delighted to contribute to your review of the bill.

I would like to begin by thanking this committee for its important work to date.

Since Bill C-10 was introduced, the cultural sector, broadcasters and experts have given us—and you too, I'm sure—much food for thought. They have provided input and support on updating the Broadcasting Act across the country.

Our broadcasters, our production sector and the cultural sector as a whole are counting on this new legislative tool to continue to flourish on digital platforms.

They are counting on this tool to level the playing field between conventional broadcasters and digital platforms. In other words, the bill is about restoring a balance that the arrival of the Web giants has skewed very seriously in their own favour at the expense of local people and businesses.

[English]

If we do not modernize the act, within a few years, our creators, artists and musicians risk losing up to a billion dollars annually.

However, if we move forward with Bill C-10, the Department of Canadian Heritage predicts that by 2023, online broadcasters could be contributing up to \$830 million per year to Canadian content and creators.

Let's remember that the audiovisual and interactive media industry employs nearly 160,000 Canadians every year. According to the 2016 census, the median annual income for core artist groups, such as musicians, singers, authors, writers, producers and directors, was only \$24,300, which is well below the \$43,500 median for all workers.

[Translation]

To make matters worse, this industry is still suffering the effects of the COVID-19 pandemic. In the years to come, the positive impacts of Bill C-10 will stimulate industry growth and increase the visibility of our stories and our artists.

Canadians also support this initiative. More than seven out of ten Canadians feel that more needs to be done to promote Canadian and Quebec audiovisual content in the country, and almost half say that this content is not easy to find.

[English]

Although some have the view that any type of regulation for web giants is too much, most Canadians believe that we must act: 78% of Canadians agree that streamers need the same rules as those of Canadian broadcasters; 81% support the principle that Facebook and Google should pay more for news; and 83% support some form of accountability for these companies for the content shared on their platforms.

[Translation]

The first objective of the bill is to ensure equity between conventional and digital broadcasters and to ensure that social media platforms that act as broadcasters are also contributing to our cultural industry.

Another objective is to promote Canadian cultural expression in all its diversity, including that of indigenous and racialized communities.

The goal is not to regulate content generated by users, such as videos of our children, friends and colleagues. It never was. And it never will be.

However, one thing is clear: more and more Canadians are listening to their favourite music and artists on social media. Right now, YouTube is the most popular online music listening service in the country.

Witnesses who appeared before this committee showed that section 4.1, as drafted in the original version of Bill C-10, could allow social media platforms to get away with just about anything. They also demonstrated that section 4.1 did not take into account how these types of services are used to deliver professional content, such as content put online by record companies.

While other online businesses would be required to contribute to the objectives of the Broadcasting Act, social media platforms would not. How could we justify imposing obligations on Spotify, Apple Music or QUB Musique, but not on YouTube, a Google subsidiary?

● (1310)

Following the constructive debate at second reading of the bill, all opposition parties, including the Conservative Party, deplored the fact that social networks were not covered by the bill.

[English]

Let me give you a few examples.

On November 19, the Conservative MP from Saskatoon—Grasswood, Mr. Waugh, told the House of Commons the following:

It is deeply disappointing that the government's proposals are so incredibly lacking. I am going to focus in on four points today. First, the legislation does nothing to address social media companies, such as Facebook and Google, and their various properties, such as YouTube, to pay its fair share.

On March 26, he also added—again, this is the beginning of the quote:

To the Professional Music Publishers' Association, you're right on about YouTube. It is not regulated in Bill C-10, and everybody is using YouTube. We are going to have an issue. As you pointed out, correctly, this should be regulated and it's not.

[Translation]

That's why it was not surprising that on April 23, a majority of the members of this committee, including those of the Bloc Québécois and the New Democratic Party, agreed that first, section 4.1 should be withdrawn, and that the CRTC's powers should subsequently be restricted with respect to social media platforms.

[English]

We know that these platforms are very different from conventional broadcasters. The amendments proposed by my parliamentary secretary last week limit the CRTC's power to three main requirements: Number one, platforms must provide information about their revenues; number two, they must contribute financially to the Canadian cultural ecosystem and, finally, they must increase the visibility of Canadian creators.

All of this would be done without ever preventing anyone from putting their own content online and sharing it, or forcing anyone to watch anything against their will. In other words, you and I, like all Canadians, would continue to enjoy the same freedom online that we enjoy now.

I've said it before and I will say it again: We're not targeting individuals; we are targeting the web giants, which are almost all American companies. Our goal is simple, to get these multi-billion dollar companies that generate hundreds of millions of dollars in Canada every year to do their part to make sure our creators and artists are better paid and more visible online.

We must remember that Canadian radio, television and cable companies have been subject to similar obligations for more than 50 years. In the spirit of fairness, Bill C-10 would extend these obligations to streaming services and social media platforms when they act as broadcasters.

[Translation]

In the spirit of fairness, Bill C-10 would extend these obligations to streaming services and social media platforms when they act as broadcasters.

Bill C-10 recognizes that there is a large diversity of digital business models. It provides ample flexibility to craft common sense rules that will evolve over time as technology changes and Canadians' habits for accessing culture change.

Once again, let me be very clear: there is no question of censoring what individuals post on social media.

I would also like to point out that the Department of Justice, in its updated analysis of the bill as amended by the committee, confirms that the bill is still consistent with the Canadian Charter of Rights and Freedoms.

The Internet is dominated by a few massive American companies whose algorithms dictate what we see, what we hear and what we consume. We are inundated with their information. Many of our artists and creators, especially francophones, indigenous and racialized people, have a hard time being heard.

• (1315)

[English]

Far from limiting anyone's freedom of expression, Bill C-10 wants to give more visibility to these artists and creators to ensure a greater diversity of voices and perspectives, to counter homogenization and to assert our cultural sovereignty over foreign companies that are only accountable to their shareholders.

I hope the committee will resume its work and quickly move Bill C-10 back to the House of Commons. As always, I would be delighted to support you in your work. I look forward to answering your questions.

[Translation]

Thank you, Mr. Chair.

[English]

The Chair: Thank you, Minister.

As you know, now we go to our questions.

We're going to start off with our members from the Conservative party.

I believe, Mr. Rayes, you are going first.

[Translation]

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Thank you, Mr. Chair.

Thank you, Minister, for being with us. I also thank the officials and legal experts who are here to answer our various questions for being here.

As my colleague Mr. Waugh pointed out, we are extremely disappointed that the Minister of Justice is not here, despite the committee's unanimous request that he testify. I think we'll talk about that later, to avoid wasting the time we have with the Minister of Canadian Heritage.

First of all, I have a very simple question for you, Minister, and I hope to have a short answer: are you for or against net neutrality?

Hon. Steven Guilbeault: I am for it.

Mr. Alain Rayes: That's fine. That's a good answer, especially since the Prime Minister also said he would defend net neutrality wholeheartedly. The Minister of Canadian Heritage before you, Ms. Joly, also said this in the cultural policy she introduced. She even said that the government agreed on the principle of net neutrality.

Internet neutrality is defined as "a principle that should ensure equal treatment of all data flows on the Internet". This includes everyone.

Navdeep Bains, while he was Minister of Innovation, Science and Economic Development, said this: "Net neutrality is one of the critical issues of our time, much like freedom of the press and freedom of expression before it."

Mr. Lametti, while serving as parliamentary secretary to the Minister of Innovation, Science and Economic Development, said this:

It is clear that the open Internet is a remarkable platform for economic growth, innovation and social progress in Canada and around the world. It is essential to a modern digital economy and society. Many activities depend on it, including access to health care, education, [...], and entertainment. More broadly, it is vital for freedom of expression, diversity and our democratic institutions. A flourishing and vibrant democracy is possible only when citizens are able to communicate and access information freely.

[...]

Our government supports an open Internet [...]

You introduced Bill C-10. You did mention at the outset that its purpose was to restore the balance, in terms of regulation, between digital and conventional broadcasters. Just so everyone understands, we're talking about Netflix, Disney+ and other digital platforms that compete with broadcasters like TVA, CBC/Radio-Canada and CTV. This could also apply to radio stations.

In the process, you chose to delete the originally proposed section 4.1. I would like to know why this section was proposed in the bill in the first place.

Hon. Steven Guilbeault: The last time the Broadcasting Act was modernized, you may recall, was under a Conservative government. That government put in place the entire regulatory ecosystem that we have today for conventional broadcasting. What we are trying to do through Bill C-10 is to adapt the regulations to the Web giants, who are becoming more and more important in the current ecosystem.

You mentioned net neutrality. As you know...

Mr. Alain Rayes: Minister, you are not answering my question. Net neutrality, that was my first question. Secondly, I asked you why section 4.1 was proposed in the bill in the first place, when you introduced it. I would just like an answer to that question.

Hon. Steven Guilbeault: But you did talk about net neutrality, in a long preamble...

Mr. Alain Rayes: Yes, but you answered that question earlier.

Now I would like to know why, in the original version of Bill C-10, you had proposed to add section 4.1 to the act.

Hon. Steven Guilbeault: Mr. Chair, I will certainly answer the question, but the member gave a long preamble on the issue of net neutrality, so...

Mr. Alain Rayes: On a point of order, Mr. Chair. I believe it is my right to ask questions and get answers.

My question is simple. I would like the minister to explain to me why section 4.1 was proposed in the bill in the first place. It is simple. That is the only question. Let's forget the preamble and everything else.

• (1320)

Hon. Steven Guilbeault: The first version of Bill C-10 that the committee received was at that time our best interpretation of what modernization of the Broadcasting Act should be. However, as soon as the bill was introduced, I was the first to say that it could be improved.

All political parties represented on the Standing Committee on Canadian Heritage, including the Conservative Party, as well as many stakeholders, spoke out to argue that proposed section 4.1 created too broad an exemption. As Mr. Waugh said, under this sec-

tion, the act would not have applied to a platform like YouTube, which is the largest music distributor in Canada today. This exemption was therefore too broad. As a result of these interventions, we decided to delete the proposed section.

Mr. Alain Rayes: Thank you.

By deleting the section in question, you have at the same time removed protection for users who upload content to various social networking platforms.

Can you name just one other democratic country that regulates user content on social networks through a broadcasting act?

Hon. Steven Guilbeault: I think there is a mistake in the premise of your question. Bill C-10 is not about content moderation. It is about giving us the tools to ensure that the web giants pay their fair share in cultural matters...

Mr. Alain Rayes: Minister, let me stop you there.

In proposed section 4.1, there were two sentences written in black and white that dealt with user content. You deleted that.

I repeat my question: name one country in the world that, in terms of broadcasting, regulates user-generated content on social networks. Of all the democratic countries on the planet, can you name one?

Hon. Steven Guilbeault: I'm going to have to keep giving you the same answer, Mr. Rayes. The premise of your question is about content moderation. I would ask you to indicate...

Mr. Alain Rayes: Minister, I'm asking you a question. Name one single country.

[*English*]

The Chair: Folks, I'm afraid our six minutes are up.

Thank you, Mr. Rayes.

I have a quick reminder to everyone. I understand in the midst of a feverish pitch that we have our arguments. I understand in the back and forth we may talk over each other. To a great degree, that's inevitable. The only thing I ask is please do not raise your voice when you do that, because we have interpreters whose ears are close to your microphones and it's damaging for them. I appreciate if you would please keep that in mind.

Let's go to Mr. Housefather for six minutes, please.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you very much, Mr. Chairman. Thank you to the witnesses.

I was very pleased at the last meeting that I was able to bring forward this motion that was amended by Mr. Waugh, that was adopted by the committee, to have an amended charter statement to address the concerns that people had about section 2(b) of the charter and the removal of proposed section 4.1 from the bill.

I'm going to tailor my questions to that issue. I'm also pleased, by the way, that our government has brought in this question of charter statements so that legal information is provided to parliamentarians and the public as we analyze the bill on the potential impact on their rights. I do want to say that that is from the Liberal government.

All my questions are going to be to Maître Drouin.

Maître Drouin, it's a great pleasure to see you here today.

First, I'm going to have some short questions and then some longer ones, so on the short ones perhaps you could stay short.

Maître Drouin, would it be true to say that charter statements are non-political documents drafted by career civil servants in the Department of Justice?

[Translation]

Ms. Nathalie Drouin (Deputy Minister of Justice and Deputy Attorney General of Canada, Department of Justice): Thank you, Mr. Chair and honourable member.

[English]

Yes, you're right. They are not political statements. They identify provisions of a bill that may potentially affect charter rights. They are drafted in plain language, and they speak to how you perform your work, but also to support public debate on proposed bills.

It is a minister's responsibility. I just want to say that the minister approved the charter statement.

Mr. Alain Rayes: Of course, but he doesn't draft it to begin with.

Let me then come back to the question of the charter statement that you provided, and the amended charter statement.

The amended charter statement says that there are no additional concerns or considerations that have been raised with respect to section 2(b) freedom of expression of the charter that have been brought about by changes or amendments to the bill.

Is that correct?

• (1325)

[Translation]

Ms. Nathalie Drouin: Yes, that is correct. The supplementary explanatory document is in line with the same approach as the statements about the charter. Because the objectives of the bill, which Minister Guilbeault correctly outlined earlier, remain unchanged, it was concluded that the charter guarantees, in this case freedom of expression, were not infringed upon here.

[English]

Mr. Alain Rayes: Proposed subsection 2(2.1) of the bill states that I, as a user of social media who posts and uploads on social media and am unaffiliated with Facebook or YouTube or any of the platforms I may post on, am not subject to CRTC regulation myself. Is that correct?

Ms. Nathalie Drouin: This is a correct question and response, if I may say. Section 2 of the bill has not been affected, so users who are not affiliated to broadcasters and broadcasting service providers are not subject to the Broadcasting Act.

Mr. Alain Rayes: Perfect.

Now I'm going to get to more detailed questions that I think would address concerns that a lot of attorneys may have in reading the charter statement.

We all understand that with Ms. Dabrusin's amendment, there would be very limited CRTC regulation permitted. There would only be a couple of things that the CRTC could do: to look at Canadian revenue, to address the question of making them pay for Canadian culture and contribute to Canadian funds, and to look at discoverability.

One question I have is the charter statement doesn't specifically address whether section 2(b) of the charter is violated, and whether we need to rely on section 1, the Oakes test, "reasonable limits", to save the bill.

Could you advise me? Does the way the charter statement is drafted mean that the department has determined that there's very little risk that section 2(b) itself is violated, and that we would not need to rely on section 1?

Ms. Nathalie Drouin: Thank you, Mr. Chair.

The new proposed amendment, as you pointed out, really limits the regulatory power that the CRTC may have to a very small group and for specific authorities. What is important to say, when you look at those four heads of authorities for the CRTC, is that to adopt future regulation, they are not there for the CRTC to ask the user to change their [*Technical difficulty—Editor*]. I think this is also a very important element. As I said, the purpose of the bill is mainly to promote culture in Canada and to protect our policy with respect to culture, whether it is in two languages or the indigenous culture. This objective remains. This is why we can conclude that the guarantee under the charter respecting freedom of expression is not limited.

Mr. Alain Rayes: Thank you.

Ms. Drouin, if you could once again answer the question, making clear you're not relying on section 1 of the charter to save anything because section 2(b) in itself is not violated, I would appreciate it.

My other question relates to discoverability. For discoverability, for social media companies to determine prioritization, arguments may be made that you're now allowing private social media companies that are not regulated by the charter to determine priorities for Canadian content. Does that create any concern?

[Translation]

Ms. Nathalie Drouin: Thank you, Mr. Chair and honourable member.

[English]

One thing I will say is that freedom of expression is a very large concept. This is why, when we talk about the guarantee under the charter respecting freedom of expression, we really have to look at the broader context. In Canada, it's not an absolute right when it comes to freedom of expression. You need to look at the broader context. You need to look at the proportionality of the regulation you are putting in place to regulate an industry. This is the exact analysis we have undertaken here to conclude that the guarantee under the Charter of Rights is not affected. That's an important thing.

Regarding your question—

● (1330)

The Chair: Thank you. I'm sorry, Ms. Drouin, We are really running short on time. We were well over when the question was asked. You may want to work that answer in later on, in your deliberations. In the meantime, I really have to go to Mr. Champoux.

[Translation]

Mr. Champoux, you have the floor for six minutes.

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

I thank all the witnesses who are with us today.

If I may, Minister, I would like to start by setting the record straight a little bit. For some time now, you seem to have had a narrative that the Bloc Québécois and the NDP were in full agreement to delete proposed section 4.1 in Bill C-10. I would just like to put this in context and explain the process by which discussions take place between the parties in an effort to save time and make our committee work as efficiently as possible.

We had amendments to suggest for proposed section 4.1. The Bloc Québécois initially advocated amending proposed section 4.1. We wanted to keep it, but remove the exclusion given to social media, while preserving the exclusion given to social media users.

However, in our discussions, people in your party, Minister, suggested instead that we delete proposed section 4.1 and introduce new amendments to add other provisions in this regard, which we agreed with, I admit. However, it should not be said that this was a collaborative proposal and that we were happy with it right off the bat. We would have preferred to amend proposed section 4.1; that was our original proposal.

So, there is an important nuance here, and I wanted to make that clear.

That being said, we're also hearing a lot lately that the opposition parties as a whole are blocking the clause-by-clause study of Bill C-10.

Now, Minister, I would like to ask you a question, in all candour.

At the very beginning of the impasse that we are in right now, after the first meeting that we had where the Conservative Party members raised the issue of deleting proposed section 4.1, we talked to each other. I told you that a solution that would work for everyone would be to reopen the debate on section 3 of Bill C-10,

which proposes the new section 4.1 for the act, that we amend that section, and proceed. I have proposed that.

Do you think that would have been a good idea, Minister?

Hon. Steven Guilbeault: Mr. Chair, I thank the member for his question.

Over the past few weeks, I've given several interviews about Bill C-10, and you'll probably have noticed that I've never mentioned the filibuster that your party is doing. Perhaps...

Mr. Martin Champoux: In the House, you answered a question I had asked about this, Minister, but let's not go back to that.

Let's get on with it and try to speed things up.

Hon. Steven Guilbeault: As you know, the Minister of Canadian Heritage does not sit on the committee. Since the committee is sovereign, it can propose amendments to the bill. In fact, I have invited it to do so on several occasions.

We have had discussions, you and I, and you have had discussions with other members of the committee as well. You ask me if we could go back. First of all, to do what you were originally proposing would have required, as I understand it, unanimous agreement of the committee members. Some felt that would have been a very slim possibility.

Mr. Martin Champoux: Minister, we have very little time, so I want to get more specific answers than that.

I have told you that I am confident that all parties would give their consent to reopening the debate on section 3 of the bill to amend proposed section 4.1 and continue the work afterwards. Everyone would be satisfied.

You know we sometimes have discussions behind the scenes and then it is possible to propose something in committee, knowing that we will have the assent of just about everybody. Yet, this was not even raised or considered.

After wasting four meetings dithering, we still find ourselves today in the situation where a certain portion of the requests that the committee had made, among others the invitation extended also to the Minister of Justice, have not been met.

If we had reopened debate on this section right after the first meeting where this issue was raised, perhaps we would be working through the sections of the bill today and perhaps we would have an opportunity to finish up the work and pass Bill C-10.

In hindsight, do you think this would have been a good solution?

● (1335)

Hon. Steven Guilbeault: This is a question based on a series of assumptions, and any answer from me would be highly hypothetical.

As we have seen over the past few weeks, there are clearly Canadians who believe that the Internet should not be subject to any form of regulation, whether it be on the cultural issue, hate speech, or media compensation. Some of these critics began their action at the same time the Yale report came out. I recall that the former leader of the official opposition had said that he would not even read the Yale report and would throw it in the trash.

Honestly, beyond all the debate surrounding proposed section 4.1, I think there is one political party that has decided to highlight this issue as if the entire bill C-10 revolves around a single section, which it obviously does not...

Mr. Martin Champoux: Minister, I'm going to interrupt you, because I only have 40 seconds left to ask a question, even though I know the answer to my question anyway.

That said, I'm going to ask you a pretty easy question.

Do you think it would be a good idea to include provisions in Canadian broadcasting policy that the Broadcasting Act and its regulations must contribute to the exercise of freedom of expression? Do you think that should be included in the act and regulations, in addition to the amendments we are proposing? Do you think that would be a good idea?

Hon. Steven Guilbeault: I think that element is in one of the sections of the bill that was passed by the committee. That discussion has already taken place and is over.

[*English*]

The Chair: Thank you very much.

Ms. McPherson, you have six minutes, please.

Ms. Heather McPherson (Edmonton Strathcona, NDP): Thank you, Mr. Chair.

I'd also like to thank all our witnesses for being with us today. Thank you, Minister, for coming to answer our questions.

Minister, you started your intervention today by stating that the cultural sector is counting on us. I thank you for acknowledging that, though I have to express my disappointment in the way you've managed the creation and the communications around this legislation.

I, for one, am looking forward to continuing to work as hard as we can to get this legislation fixed and get it through this committee. I know that is not the case with all our committee members. We have seen filibustering and all kinds of things being done to delay and impede this committee's work. I think a lot of it, unfortunately, does have to fall to you, Minister. With all due respect, your mishandling of this bill has put all of us in this committee in a very difficult position.

Many Canadians are concerned about the government wanting to regulate the content that they upload on social media. Now, I think we're all clear that the bill would not give the power to the CRTC to regulate users on social media, but experts are saying that the content they upload could be. Even you have said so during some of your interventions with media.

The updated charter review received by the Department of Justice seems to say that the respect of the charter is in the hands of the

CRTC, instead of making it clear in the legislation. If we don't get this right, the legislation will be challenged in court and it will not be applied for years, which will put all of our cultural sector at a real disadvantage.

Do you have a plan to address the concern of Canadians that their content will be subject to CRTC regulations?

Hon. Steven Guilbeault: I won't go through it, but you've probably heard that there is a long list of organizations in Quebec and in English Canada, a list many pages long, that have all come out in the last few weeks in support of Bill C-10, ranging from musicians to independent producers to writers and so on. I have spoken over the course of the last year to thousands of people in the culture sector, and they agree with what we're trying to do with Bill C-10.

Again, earlier in my speech I quoted polling results that were released recently showing that 78% of Canadians—

Ms. Heather McPherson: Your plan, then, is just to tell us that lots of people support it. That's your plan to reassure Canadians? It's: "Don't worry, I have a list of organizations that support it." That's your plan?

Hon. Steven Guilbeault: No, that's not my plan, but there were many elements in your question, and I am trying to adequately answer all of them. One element you spoke about in your question concerned the cultural sector, so I answered that.

On the second part of your question, there is no situation in which a user has to respect any type of CRTC regulation. There is no situation in which a user, even with millions in revenues and dues, has to deal in any shape or form with the CRTC.

Let me remind you that the sole regulation the CRTC can impose on a social media platform is the discoverability of Canadian creators. The Internet is infinite—

• (1340)

Ms. Heather McPherson: But it's the content piece that we're looking at—not the user, but the content piece.

Hon. Steven Guilbeault: Bill C-10 is not about content moderation. The CRTC, in its last 50 years of existence, has never done content moderation, and Bill C-10 doesn't give the CRTC the ability to do content moderation.

Ms. Heather McPherson: Minister—

Hon. Steven Guilbeault: I think we have a charter statement that is pretty clear about Bill C-10's respecting section 2 of the charter. We've also heard from deputy minister Drouin, who has been very clear on that as well.

Ms. Heather McPherson: We've just heard you mention your list of organizations that support Bill C-10. Obviously, everyone on this committee has met with organizations that have expressed their concern about this legislation and their support for having good legislation. We all understand that this legislation is not as strong as it needs to be. This is why there are 120 amendments to the bill that the committee is trying to get through.

In your recent interviews on Bill C-10, Minister, you seem to want to go after experts who want to protect one of the most important rights in our democracy, and that is the freedom of expression. The experts who are working on this issue and have been working on it for a very long time have expressed concerns. They have expressed the view that there are problems within the legislation.

What is the goal of attacking them, when we should be working with them to find a solution? It feels to me very much as though we have you saying, "Don't worry, it's not a problem" and the Conservatives saying, "Let's not do anything at all; let's not provide legislation for our broadcasters." Even the cultural sector doesn't obviously want to regulate user-generated content.

It feels very much as though you're trying to divide Canadians on this issue and not to work collectively to find a solution. I am wondering why that is.

Hon. Steven Guilbeault: I would beg to differ with the premise of your question.

Many experts have come out in Quebec and in English Canada saying that Bill C-10 was not an infringement on freedom of speech or an attack on the charter. In fact, we now have a statement by the independent civil servants of the Department of Justice saying exactly that.

Ms. Heather McPherson: They're not, though, acknowledging those experts who have worked in this field. There is no way forward. What you're doing is pitting one side against the other instead of finding a collective solution that will work for everyone.

Hon. Steven Guilbeault: I recognize that there are people who believe there should be no regulation whatsoever when it comes to the Internet; that there should be no regulation on cultural issues, on issues such as hate speech or on fair remuneration of media, and part of the Canadian population agrees with them as well. I recognize that.

My government and I disagree with that point of view. We believe there should be regulation on all of these elements, and so do many other countries. I have had conversations with counterparts in Germany, in France, in the U.K., in Finland, in Ukraine—

I'm sorry, Mr. Chair.

The Chair: Mr. Guilbeault, I'm sorry. I have to leave it at that. I'm sure there are other countries you wish to speak of, but right now I don't have that time to put into it.

Now, folks, we are into the second round. As you know from experience, I like to be more strict on the second round because we run out of time. However, the minister has given us one hour. I want to get every party in here. I want to get all four caucuses in on this conversation.

Mr. Minister, in order to do that, I might exceed the time by about two or three, or perhaps four minutes. I hope you're okay with that. Thank you very much for the thumbs up.

Ms. Harder, you have the floor for five minutes, please.

Ms. Rachael Harder (Lethbridge, CPC): Thank you.

Minister, let's just have a bit of fun. I know you're on the hot seat, so we'll just take it easy here for a moment.

There were three movies that were graded by the Canadian Audio-Visual Certification Office, CAVCO, which of course rates the Canadian-ness of videos. One of the videos was called *Ultimate Gretzky*. It's a film that showcases Canada's very own Wayne Gretzky and his career in the NHL.

Is this a Canadian film?

• (1345)

Hon. Steven Guilbeault: As you rightly pointed out, there is an organization whose mandate it is to do this.

Ms. Rachael Harder: It's just a simple yes or no. Is it a Canadian film?

Hon. Steven Guilbeault: It's not up to the Minister of Canadian Heritage or any other politician to make that determination.

Ms. Rachael Harder: Okay. I was just curious as to whether you knew.

Canadian Bacon has also been given a rating. It stars Canadian actor John Candy. It was filmed in Canada and it's about Canada.

Is that a Canadian film?

Hon. Steven Guilbeault: I love that film, but again, it's not up to the Canadian Minister of Heritage or any other politician to make those determinations.

Ms. Rachael Harder: Okay. I know. I just thought that because it falls under your department maybe you would know.

The third film is called *Who Killed Gandhi?* It's an investigative documentary of the death of Gandhi.

Is it a Canadian film?

Hon. Steven Guilbeault: You keep asking the same questions. Unfortunately, the answer will be the same.

Ms. Rachael Harder: Okay.

Interestingly enough, *Ultimate Gretzky* isn't; *Canadian Bacon* isn't; but *Who Killed Gandhi?* is.

Minister, you keep talking about wanting to protect Canadian content and further Canadian culture, yet I just listed two films, *Ultimate Gretzky* and *Canadian Bacon*, that should be classified as Canadian content. They're not.

You're not even able to identify that, so what confidence should Canadians have in your ability to legislate this?

Hon. Steven Guilbeault: It's important to remember that the committee is sovereign, and if the committee identifies a potential problem, and we're a minority government, the—

Ms. Rachael Harder: Minister, it's okay. Thank you.

Hon. Steven Guilbeault: —committee can introduce elements to correct the bill.

Ms. Rachael Harder: There are two sections in this bill that were of significance: proposed subsection 2(2.1), which protects individuals; and proposed section 4.1, which protects their content.

Proposed subsection 2(2.1), on individuals, was kept in, but the section that protects their content, what they post online, was taken out. Therefore, they no longer have that protection. Why?

Hon. Steven Guilbeault: You might have heard, like I did a few minutes ago, Justice Deputy Minister Drouin answer that question very clearly, specifying that the powers given to the CRTC are very narrow and targeted and don't have to do with content moderation.

Ms. Rachael Harder: Okay.

Will the CRTC then be given the responsibility under Bill C-10, the power to regulate the algorithms used by social media platforms to decide what type of content that people can and cannot see on their Facebook feeds or the information that appears on Google or YouTube?

Hon. Steven Guilbeault: The concept of discoverability is about—

Ms. Rachael Harder: I'm just curious. Will the CRTC be given that power?

Hon. Steven Guilbeault: Mr. Chair, may I be allowed to answer the question?

Ms. Rachael Harder: Please answer the question.

The Chair: Okay, folks. Let me just pause for one moment.

Yes, you can. I'm loath to get in between two people who have a spirited discussion. However, can I just remind the committee of one thing? You can do a monologue or you can ask questions. Both are acceptable and both flow rather well, but when you try to do both, it becomes very problematic.

Ms. Harder, I'm not accusing you of doing that. I'm just saying that sometimes in the spirit of questions back and forth we tend to talk over each other. I only ask that you police yourselves to a point where we get questions, answers and comments, because we are televised and a lot of people are watching.

Ms. Harder, once again you have the floor.

Ms. Rachael Harder: I just wonder if the CRTC will have the power to regulate algorithms.

Hon. Steven Guilbeault: Again, the concept of discoverability is ensuring that, as part of these platforms, Canadian content becomes more visible for Canadians, or actually any audience, to watch. There won't be any requirement, obviously, for users, just like is the case right now with YouTube—

Ms. Rachael Harder: That's a yes, then. They will have the ability to regulate.

Hon. Steven Guilbeault: That is not an—

Ms. Rachael Harder: I'm just asking why I'm not able to get a yes or a no answer.

Hon. Steven Guilbeault: That is not a yes.

When you go on YouTube, three-quarters of what is viewed on—

Ms. Marci Ien (Toronto Centre, Lib.): Mr. Chair, I have a point of order.

The Chair: One moment.

Ms. Ien has a point of order.

Ms. Marci Ien: Thank you so much, Mr. Chair.

I'm really thinking we should have some decorum here. The minister is trying to speak and should be allowed to do so.

The Chair: I appreciate the comment.

It's not officially a point of order, Ms. Ien, but I do thank you for your intervention.

Okay, folks, let's go back to regularly scheduled programming. Let's see how this unfolds so that we can provide the right information.

Thank you, all.

Ms. Harder, you have the floor, and I think you have about a minute and thirty seconds left.

• (1350)

Ms. Rachael Harder: Thank you.

Mr. Philip Palmer and Mr. Len St-Aubin were both at the table when the Broadcasting Act was originally put together. They're now available and able to offer their expertise on this subject matter. Did you consult them when creating Bill C-10?

Hon. Steven Guilbeault: I would be happy to provide the committee with the list of all Canadian experts and organizations that have been consulted for the preparation of the Bill C-10.

I'll also remind the members and the committee that, prior to Bill C-10 being tabled, there was an almost two-year consultation leading up to the Yale report that was done, and close to 2,000 papers were presented.

Ms. Rachael Harder: Thank you.

It's interesting, because I had the opportunity to meet with them. I'm a backbencher, and they made time for me.

I found it interesting that you didn't take the time to reach out to them, because I think they would have been more than happy to give you some time.

What they have to say about the bill is this. “The arrogance of taking this huge vehicle of expression, commerce and learning—in other words the Internet—and stuffing it into an act that was designed to regulate a technology that is now more than century old is an offence to reason.”

Minister, they have huge issues with Bill C-10, and they've asked you to scrap it. I would request the same.

Hon. Steven Guilbeault: I don't think there was a question in that, Mr. Chair.

The Chair: Okay, and we've run out of time.

Thank you, folks, for the spirited discussion.

We now go on to Ms. Ien for five minutes, please.

Ms. Marci Ien: Mr. Chair, thank you so very much.

Thank you to the minister and deputy minister for joining us here today.

Deputy Minister Drouin, when we last heard from you, my colleague Mr. Housefather was asking you a question. I just want to give you the time to finish it, so please go ahead.

Ms. Nathalie Drouin: Thank you. I guess the question you are alluding to is the discoverability question.

As I said, because the purpose of the bill hasn't changed, and because the four authorities in this one in particular are not a regulatory power that the CRTC can ask indirectly to broadcasting service providers to change the content of an individual, of an unaffiliated user, this is why we conclude that this power in particular does not affect the guarantee freedom of expression.

Ms. Marci Ien: Deputy Minister Drouin, thank you so much for that.

Minister Guilbeault, I'll move on to you right now.

At committee we heard from several witnesses from the BIPOC community—Black, indigenous, people of colour—who expressed deep concerns about their voices being considered in this bill.

How will reforms lead to increasing those voices and make sure that there is more diversity in this sector? Can you paint a picture for us, please?

Hon. Steven Guilbeault: I think achieving this goal is about three things, and not necessarily in this order. Certainly, it's who we nominate to take part in many of our institutions—the Canada Council for the Arts, our national museums and various other organizations. As minister, I've had the pleasure and privilege of nominating Jesse Wenté, an indigenous person, an accomplished artist and producer, as chair of the Canada Council for the Arts. It's the first time ever, in the history of Canada, that we have an indigenous person at the head of the council. Gaëtane Verna, who's originally from Haiti, is also now on the board of the council. Isha Khan is the first Muslim woman to head a national Canadian museum.

We have to ensure that those organizations are a good reflection of what Canada is in its diversity. I think it's about ensuring that our programs are adapted to the needs of those communities. Again, in the audiovisual sector, we now have a fully funded indigenous screen office as per budget 2021. We are working on a Black screen

office as well. I have been meeting with many of those witnesses who appeared in front of the committee to work with them to see how we can do this.

Third, it's about putting our money where our mouth is, ensuring that groups, that racialized Canadians and indigenous Canadians, have access to the resources they need to tell their stories, to express their arts, and to be visible, here and abroad.

• (1355)

Ms. Marci Ien: Is it your opinion, Minister, that these reforms will help to amplify those voices even more?

Hon. Steven Guilbeault: Yes. I think we still have a long way to go. There's still a lot of work to do, but Bill C-10 will enable us, as I said in my remarks initially, and will mean that around \$830 million in additional money is added for the cultural sector and certainly for BIPOC communities and under-represented groups in our arts and culture sector.

Ms. Marci Ien: Minister Guilbeault, thank you.

Madam Drouin, the Minister of Justice has provided this committee with an amendment update. It outlines quite clearly that there are safeguards to protect social media users. I wanted to ask you to explain how that happened despite the removal of proposed section 4.1.

Ms. Nathalie Drouin: First of all, I think Minister Guilbeault said it very clearly. When this committee decided to strike one of the sections of the bill, it was not made in a vacuum. The intent was to re-table amendments. This amendment is quite clear. It restricts the CRTC power on broadcasting service providers, on the type of regulation they can adopt to, as I said, very limited for a head of authority powers.

I think it's important not to read the bill just as the first amendment that this committee adopted but in light of the other amendments that Minister Guilbeault wanted to bring—

The Chair: Please be very quick, Ms. Drouin.

Ms. Nathalie Drouin: Maybe I would add one thing, in terms of new content, about what I said before. It's also important to say that the CRTC is also bound by the charter and has to respect the charter. The CRTC has a discretionary power and will have to exercise its authorities respecting the charter. There are also some mechanisms to make sure that the CRTC will respect the charter.

The Chair: Thank you, Ms. Drouin. I have to respect the clock.

Ms. Ien, I owe you an apology. Yes, decorum is a point of order. I misspoke. What I should have said was that the remedy I have to offer you is to ask everyone to be nice with each other, unfortunately. Let's all look at that as a lesson.

Ms. Marci Ien: Thank you, Mr. Chair.

The Chair: Let's move on now to Mr. Champoux for two minutes and 30 seconds, please.

[*Translation*]

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

Minister, at the end of my first turn, I asked you about the possibility of specifying, in the Broadcasting Act, that the regulator's decisions had to promote, safeguard and ensure freedom of expression.

Freedom of expression is mentioned in the bill, but in relation to broadcasting undertakings. Before objecting to your position, I wanted to revisit the subject because, now, we are talking about users, regular folks.

Don't you think those who are worried might find it reassuring if you were to add an amendment that built such a statement into the Broadcasting Act going forward? I am talking about something specifying that the Canadian broadcasting system has to provide Internet and social media users in general with an additional layer of protection for freedom of expression.

• (1400)

Hon. Steven Guilbeault: Thank you for your question.

It requires a multipart answer.

First, as repeatedly stated, Bill C-10 will not apply to individuals. You are right to say that new subsection 2(3) of the act refers to undertakings, not individuals, because the act will apply to undertakings, not individuals.

You no doubt heard the deputy minister, Ms. Drouin, very clearly say that the Department of Justice issued a statement indicating that Bill C-10, as amended, respects the charter, on one hand. On the other hand, as she just explained, the CRTC also has an obligation to respect the charter in exercising its authority. Mechanisms are in place to ensure that happens.

Mr. Martin Champoux: Once again, you are repeating the same answer: what is currently in the bill is more than sufficient.

Hon. Steven Guilbeault: I'd like to say one more thing.

The Minister of Canadian Heritage is not on the committee. In addition, we are a minority government. The committee can decide to propose amendments to Bill C-10. It is true that the bill has already undergone a hundred or so amendments, which, by the way, is not unusual for a bill. As lawmakers, I think we can always do better; a bill can always be improved.

Mr. Martin Champoux: I think that's the end of my time.

Thank you.

[*English*]

The Chair: Thank you very much.

Ms. McPherson, you have two and a half minutes, please.

Ms. Heather McPherson: Thank you, Mr. Chair.

Again, I would like to thank the minister for being here with us today.

Minister, as you know I am the member of Parliament for Edmonton Strathcona. As you probably know, Edmonton Strathcona is the heart of the creative sector in Alberta. This legislation is vitally important to so many members of my constituency and so many members across Canada. We know that if a solution is not found to protect freedom of expression, this law will not go forward. It will go to court. It will not be enforced for years. This will have a huge impact on the cultural sector in Canada.

The members of this committee have been pushed hard to work quickly on this bill because it needs to get done. I, for one, supported the Liberals' motion to have extended sitting hours and to have additional meetings added. The only reason we really feel this time crunch is because your government has not ruled out calling an election in the middle of this pandemic. Otherwise, we would still have months ahead of us to ensure that we get this right and that we do our job properly.

Can you assure the committee and the stakeholders who are so desperate for good legislation that we can take the time to do this job right and that your government will not call an election?

Hon. Steven Guilbeault: I would like to address the first element of the question, which is about freedom of speech. As you've seen, and as you've heard today, we have a charter statement that was written by the independent civil service—

Ms. Heather McPherson: I am sorry, Mr. Minister, I know that you're trying to address all that I brought up. We're going to run out of time because I only have two and a half minutes.

Will you commit to not calling an election before we can get this legislation done?

Hon. Steven Guilbeault: Could I be allowed just to finish my answer on the charter statement? You have a charter statement in front of you. You've heard Deputy Minister Drouin explain very clearly that Bill C-10 respects the Charter of Rights and Freedoms. Not only that, but there are mechanisms in place for the CRTC to ensure that it does that. It has discretionary powers, but these powers are not absolute. They have to be exercised in light of the Charter of Rights and Freedoms.

Ms. Heather McPherson: I certainly don't mean to be rude, but I think that you're not going to answer the question about whether or not you would stop plunging us into an election during the pandemic.

Hon. Steven Guilbeault: My government is not interested in having an election. I think we've seen that some parties have been fundraising around the controversy they created around Bill C-10. We haven't been doing that. We've been hard at work trying to do everything we can to help the arts and culture sector.

I would remind you that the budget that was just presented by Deputy Prime Minister Freeland is a historic budget when it comes to the arts and culture sector in this country. We have never seen such an important budget to help our artists, our musicians, our creators. It is a historic budget. I think we've seen that we are there for our artists, and Bill C-10 is another clear example of that.

• (1405)

The Chair: Thank you, Ms. McPherson, and thank you, Minister, as well.

Folks, that brings us to the end of our first hour.

Minister, we know you have to go. You're more than welcome to stay, but we also have the officials online.

We will take a break for five minutes.

Take up to five minutes. We'll see you then.

• (1405)

(Pause)

• (1410)

The Chair: Welcome back, everyone, after a brief pause. We'll get back to the business at hand.

Joining us we have the department officials from two departments, the Department of Canadian Heritage as well as the Department of Justice.

We're going to start this session with an opening of up to 10 minutes, once again, as we did in the last round, and I believe, Ms. Drouin, that would be you.

Ms. Nathalie Drouin: Thank you.

I hadn't planned to do an opening statement, but I have something ready if members would like.

The Chair: Okay, normally I'd give you the floor, but since we didn't get anything from the Department of Justice in the first round, we got a statement from the minister, how about I give you five minutes?

Mr. Rayes.

[*Translation*]

Mr. Alain Rayes: Thank you, Mr. Chair.

To make sure we don't lose time with the minister, who agreed to be here, Mr. Waugh asked whether the committee could revisit the issue he raised, during the second hour. I'm not sure whether it's appropriate to give him the floor now.

I don't mean to tell you how to do your job, Mr. Chair, but I think he genuinely did not want to cut into the minister's time, when he asked whether the committee could discuss the issue during the second half of the meeting.

• (1415)

[*English*]

The Chair: I appreciate that.

I'd like to proceed with what is on the schedule obviously but, Mr. Waugh, you would like the floor.

Mr. Kevin Waugh: Thank you, Mr. Chair, and I want to thank Mr. Rayes.

I was going to listen to what the justice department had to say, but I think it's important to go back to Monday, May 10, when Mr. Housefather brought the motion out and I made subamendments to that. If possible, Mr. Chair, could we have the clerk read the three sections of our motion, just to get an idea of who we invited?

We did invite, I believe, the justice minister, and the department officials, and we do not have the justice minister here. Part of my concern, Mr. Chair, is when I went on the web page of Justice...you know, it's the Broadcasting Act, and to make consequential amendments to other acts, and this is the old one. They're still citing clause 3.

This is why we needed to get the minister here today. We need a point of clarification. When I see the charter statement on the web page of the justice department and it's an old one, which is it? Are we using the old one?

You sent an email out and this is what we have, so I do believe we need to hear from the Minister of Justice. We need a clarification on this because it's my recollection on the Monday that we asked both ministers to come, and we want to thank Minister Guilbeault on behalf of the committee for fulfilling his obligation for one hour. However, we also asked for the Minister of Justice to come.

When I look at the Justice website now, I am totally confused about where we're going on this. They haven't updated it, or if they have, let us know. It is the minister who is responsible for the charter. I appreciate the department officials in the first round of questioning and we're going to question them in a minute, but as a committee, all 11 of us agreed, including the Liberals, the Bloc and the NDP, to have both ministers appear before the heritage committee, before we even moved on to our panel.

The clerk has done yeoman service trying to get the panel ready for Monday, but now I would say that we need to hear from the Minister of Justice himself before we move on, on Monday.

I would like a clarification on our amendment to the motion by Mr. Housefather, and we all agreed to the subamendment on Monday, so what happened to the justice minister today?

The Chair: There are just a couple of things. Let me start with the second point first, which was the statement that is currently posted.

A motion was passed on March 8 and I will read it for you:

That the committee publish on the committee's website written responses to questions provided by the Department of Canadian Heritage.

What is put on our website is exclusive to that.

Now, that being said, I am a servant of the committee itself, and humbly so. If you wish to have what was released recently by the Department of Justice regarding Bill C-10—the revised—we can have that published, but I pretty much need permission from all to do that.

Do I have permission to post on our committee website the recent opinion by the Department of Justice as we just discussed?

Seeing no resistance and a plethora of thumbs, I'm going to say that we will publish it. I will ask the clerk to publish it following this meeting.

Go ahead, Mr. Rayes.

[*Translation*]

Mr. Alain Rayes: Thank you, Mr. Chair.

I just wanted to point out that Mr. Waugh asked the clerk to reread the motion to confirm that the committee had unanimously agreed to invite the two ministers.

Then, I'd like to make a comment.

• (1420)

[*English*]

The Chair: Yes, Mr. Rayes. I was just getting to that. I was doing the second part first. Now let me deal with the first part.

I'm going to ask the clerk to read the motion as was put forward, and the intent of it.

Madam Clerk, can you please read that?

The Clerk of the Committee (Ms. Aimée Belmore): Yes, sir.

Can I just confirm, Mr. Waugh, if you did want me to read the motion as it was adopted?

Mr. Kevin Waugh: Please.

The Clerk: Thank you, sir.

As adopted Monday, May 10, 2021:

That the committee:

- (1) Ask the Minister of Justice to provide a revised Charter Statement on Bill C-10, as soon as possible, focusing on whether the Committee's changes to the Bill related to content uploaded by users of social media services have impacted the initial Charter Statement provided, in particular as relates to Section 2(b) of the Canadian Charter of Rights and Freedoms.
- (2) Invite the Minister of Justice, the Minister of Canadian Heritage accompanied by relevant departmental officials, and an expert panel consisting of one witness from each recognized party to appear before the Committee as soon as possible to discuss the revised Charter Statement and any implications of amendments made by the Committee to the Bill.
- (3) Suspend clause-by-clause consideration of Bill C-10 until the completion of both points 1 and 2.

The Chair: Thank you, Madam Clerk.

I have appreciated what we're talking about here, but let's keep in mind that the further we go, when we get to the hearings we're losing a big part of the second round.

Nevertheless, Mr. Rayes, go ahead.

[*Translation*]

Mr. Alain Rayes: Thank you, Mr. Chair.

I have one last comment. I'm not trying to prolong the meeting. I know the honourable members may have questions for the witnesses, but I need you or the clerk to clarify something for me, please.

On Monday, just before the vote, I asked a question. I checked the transcript to make sure I was remembering correctly, and here's what I said.

I want to make sure that we are all agreeing on the same thing: we are going to hear from the experts after we have heard from the two Ministers. That order is important, because the experts will be reacting to the Ministers' comments.

I see nodding.

I just want to make sure that, if, for any particular reason, the Liberals are not able to convince the Ministers to be here on Friday, they will come on Monday and the meeting with the experts will simply be put back.

After that, I said thank you, because I could see members nodding.

Then, Mr. Chair, you said this:

[*English*]

"I don't need to repeat that, correct? I see enough nodding heads around the room. It's a critical mass of nods, if I could use the term, to proceed in that way."

[*Translation*]

I just want to make sure that I am clear on what all the members of the committee agreed on.

Once we get the information from you, Mr. Chair, and once all those who wish to comment have, we can proceed and hear from the witnesses who are here today.

[*English*]

The Chair: Here's what I have: I have direction from the committee and what we have done in the past.

If you recall the last witness meeting we had, instead of doing the two separate hours, we did one two-hour block with the ministers—if they were there—and accompanying officials. I'm more or less following what you're saying, but I'm also following what we have done in the past regarding Bill C-10 witnesses. However, I'm open to suggestion as to whether you would like to change that or not.

If I misinterpreted what you said at the end, Mr. Rayes, I sincerely apologize. I thought the direction of the committee was that we would have two ministers accompanied by officials appear before the committee, as well as four experts and the revised charter statement that was asked for. That's from the amended motion.

Let me now go to Mr. Waugh.

Mr. Kevin Waugh: Thank you, Mr. Chair.

[*Translation*]

Mr. Alain Rayes: Mr. Chair—

[English]

The Chair: I'm sorry, Mr. Rayes. I'd rather get to someone else, but if you have a quick point on what I just said, please go ahead.

[Translation]

Mr. Alain Rayes: I completely agree with everything you just said, Mr. Chair. I just want to point out, however, that, before we voted, I went to the trouble of making sure that everyone agreed the two ministers would appear before the experts.

I am just looking for some clarification. I'm not necessarily asking that we follow what was said to the letter.

We heard from one minister today, not two. On Monday of next week, according to the information provided by the clerk, the committee will be hearing from the four witnesses. Nevertheless, before we voted, I had asked for confirmation that the two ministers would be appearing before the four witnesses. Now, from what I can tell, that isn't going to happen.

Could you please clarify or explain why this is the case, so we can all be on the same page?

• (1425)

[English]

The Chair: The only explanation I can give you at this point, sir, before I go to Mr. Waugh—because I'd rather hear from the others and come back to it—is that the committee was advised that Minister Lametti respectfully declines the invitation. That's what I have to go on right now.

Mr. Waugh, go ahead.

Mr. Kevin Waugh: Thank you, Mr. Chair.

Let's, as this committee, agree unanimously to get both ministers here. I think the Minister of Justice is showing a lack of consideration for the charter, to be honest with you.

Issuing a charter statement may be fine, but come and explain yourself to the committee of heritage as we study Bill C-10, amending the Broadcasting Act.

I've just talked about this. All committee members unanimously last Monday agreed to bring both ministers to committee. There is a lack of consideration by the Minister of Justice.

Mr. Chair, I'll bring up another issue. When Mark Zuckerberg decided not to show up at committee, the biggest uproar in the committee was from Liberal MPs sitting around the table.

I think that, for consideration, we need to hear from the Minister of Justice on this. Doing a press release and sending out an update charter statement is fine, but come. We've asked him to come, it was agreed to last Monday, and that's the least the minister can do.

Ms. Drouin, thank you for filling in, but we want to see the minister. We got that co-operation with the Minister of Canadian Heritage, but we did not get it from the Minister of Justice. Out of consideration, faced with this important bill that has been discussed for months I think he owes it to the committee to come, as we have asked him to come.

We have next week open before we can get to the panel. We need to hear from the justice minister first and then go to the panel. As you said, we have three meetings scheduled next week. We can delay until the minister decides whether he wants to come Monday, Tuesday or Wednesday, and then we can move ahead with the panel.

Thank you.

The Chair: Ms. McPherson.

Ms. Heather McPherson: Thank you, Mr. Chair.

I have to agree. I'm deeply disappointed that the minister isn't here to join us. The reason for that disappointment is that his not being here does not comply with the motion. This motion was brought forward at the beginning of this week. It was important for us to stop the filibustering and the logjam that had happened within this committee; it was a way we had all worked together to try to move forward on this legislation.

Without the minister's coming, the potential for us to fall back into that logjam, to fall back into a position in which none of the work that needs to happen gets done at this committee, is enormous.

I think it's vitally important that he come. I strongly support making sure that the minister comes and shares his perspective with us and lets us ask him questions, so that as parliamentarians we can do the work that our constituents and Canadians have tasked us with.

Thank you.

The Chair: Ms. Dabrusin.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you.

I would just like to point out to everyone that we actually have the Justice officials here and that Madame Drouin is available. We have another half hour in this meeting.

My question to the other members would be: what are the questions you want to ask, and why not ask them of the officials who are here?

It's also my understanding from a review of the blues—and I would like to clarify this—that there was not unanimous agreement of the parties that we must hear from the ministers first, before the panel. I don't really see there being a reason to delay the panel's being heard on Monday.

Again, as I pointed out, we have people here who are ready, willing and able to answer those questions. Why don't we put those questions to them?

The Chair: Go ahead, Mr. Champoux.

[Translation]

Mr. Martin Champoux: Mr. Chair, I'm at a loss. I have to be honest with you. I don't know what's happening. I'm not sure where the dithering is coming from, but apparently someone, somewhere, doesn't really want the study of the bill to continue.

The motion the committee adopted on May 10 is clear. I have been going over it for a while now. It called on the committee to “invite the Minister of Justice, the Minister of Canadian Heritage accompanied by relevant department officials”. It doesn't get any clearer than that, Mr. Chair.

The committee has been at an impasse for weeks. We have lost precious time. No one doubts the good faith of the Liberal members on this committee. I know they are all committed to moving this bill forward. I know Mr. Guilbeault is also committed to moving it forward. He cares about the cultural sector. I don't doubt it for a second.

Nevertheless, someone, somewhere, does not appreciate how urgently action is needed or understand what we are asking. We asked for the Minister of Justice to appear. Why isn't he here? The request didn't come out of the blue. We have been talking about this for weeks. Surely, he would have been prepared. He must have anticipated that he would have to appear before the Standing Committee on Canadian Heritage as part of this study.

I really don't know what the roadblock is. Frankly, the situation is ludicrous.

The Minister of Justice was supposed to be here today. I have the utmost respect for Ms. Drouin and her team, and I have no doubts as to their knowledge or ability to answer all of our questions. The fact remains that we asked the minister to appear. That was the condition we had agreed on in order to break the impasse at which we found ourselves.

I don't know what the roadblock is, but there just might be someone, somewhere, who needs to get things straight and realize how urgently we need to deal with this matter.

● (1430)

[*English*]

The Chair: Go ahead, Mr. Aitchison.

Mr. Scott Aitchison (Parry Sound—Muskoka, CPC): Thank you, Mr. Chair.

I just want to reiterate. To Ms. Dabrusin's point, she is absolutely correct that we have departmental officials here, and I have no doubt that Ms. Drouin is a very capable lawyer and very learned, but we did ask for the minister.

The minister himself is an impressive individual. He is a very impressive lawyer. He is a legal scholar. He taught law at McGill, and he has written many articles on property law and intellectual property. I think he could, in many ways, really be seen as an expert in this field. We asked for him specifically. I think everyone agrees that he was supposed to be here.

I think he has made some really interesting points in the House of Commons over the years about things like the importance of net neutrality. I think he is quite knowledgeable, and it's one of the reasons we wanted him here. If the committee has a role in this Parliament, and we get to ask ministers to come to us, that's great, but the Minister of Heritage has fumbled an awful lot of the answers to these things and created more confusion, as Ms. McPherson quite justifiably pointed out. I think Mr. Lametti would be able to help clear an awful lot of this stuff up.

The fact that we have a Liberal, Ms. Dabrusin, suggesting that we should just move on and talk to the officials makes me wonder if maybe Mr. Lametti can't defend what's going on, and he just chooses not to be here.

If we've asked for the Minister of Justice to be here, he should be here. I think it shows contempt for this committee.

The Chair: Before I go to Mr. Waugh, I just want everyone to be cognizant of the time. We have approximately 27 minutes left.

Go ahead, Mr. Waugh.

Mr. Kevin Waugh: Thank you, Mr. Chair.

I think as a committee we should revisit asking the Minister of Justice. We should suspend this committee until the Minister of Justice appears, whenever that may be.

I think you've heard from all parties here. The motion on May 10 was for both ministers and their officials.

Thanks to the Heritage minister and his officials. They did show up today.

Thank you, officials from Justice, although the minister himself did not show up.

I believe we should suspend until the minister comes to committee, whenever that may be. We do no other business until the Minister of Justice comes to address the charter. We asked for it last Monday, and that's not too much for the committee to ask. I think we should suspend until the Minister of Justice attends for one full hour next week, if he can, or until he can come to committee as soon as possible, so we can do our due diligence on this bill.

● (1435)

The Chair: Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, when Mr. Zuckerberg refused to appear before a committee, he was sent a summons to appear. Should we not do the same when dealing with our own Minister of Justice? I'll put that out there for the committee to discuss, without moving it formally. If we want to move things along quickly and avoid losing the little time we have left, perhaps we should put a bit of pressure on the minister.

[*English*]

The Chair: Before I go to Ms. Harder—I am loathe to do this—I want to weigh in on a couple of notes.

On Monday we do have scheduled witnesses who were asked for by the motion. These are the four expert panel members you asked. Those are in line with the motion, and those, I'm assuming, will go ahead. At least as committee chair, I've scheduled that.

As a final note, on page 92 of the Standing Orders, it states that “a standing committee cannot order a Member of the House of Commons or a Senator to appear.” I'm only asking you to bear that in mind as we try to come to a conclusion and an agreement on this. But I am still your servant on this matter.

Ms. Harder.

Ms. Rachael Harder: Thank you, Mr. Chair.

It's interesting that you read that, because that means this committee's work could, effectively, be stalled out indefinitely. According to the motion that was passed by this committee, as amended, the justice minister does need to come and appear before this committee before we can proceed to clause-by-clause. And I believe clause-by-clause is necessary in order for Bill C-10 to make it into law.

I would put forward the same request that my other colleagues and the members from the NDP and the Bloc have put forward, and it is that the justice minister, according to the motion that was passed at this committee, does need to appear.

I recognize that there are expressions made when using verbal communication, and then there are expressions made in other ways. In committee, it's common to often pass things or agree upon things based on a head nod or a hand put up, especially in our virtual world. And it was agreed upon at this committee that the Minister of Justice would come before we hear from the other expert witnesses.

Again, I would plead with you, Mr. Chair, that this should take place first.

The Chair: Thank you, Ms. Harder.

As a point of clarification, I was only pointing out the difference between Mr. Zuckerberg and Minister Lametti as to why one can and one cannot.

Mr. Housefather.

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

I have a couple of things.

First of all, I am also disappointed that the justice minister is not here.

Second, the motion is not quite as people are saying it is. The motion was to invite them. It was not to not proceed if they didn't attend. Inviting is not the same as forcing someone to attend. That's compelling people to attend, which can't be done in the case of a minister.

In this case, we do have a very competent deputy minister who is here, who can answer the questions. I have heard Madame Drouin on many occasions—I used to be the chair of the justice committee—answer questions very effectively. If we do have questions on

this issue, I think the first step is to ask them of Madame Drouin, which I did on my questions related to the charter statement.

We have a panel coming up on Monday. Those people have already been invited. The panel has been set up. I think we should proceed with that panel. If the committee wishes to re-invite the minister and to reiterate its invitation to the minister, I think that's totally reasonable, asking him to come on Tuesday or Wednesday of next week.

For the most part, my argument is this. What the motion said was that we were to get a charter statement. We got it. We were to invite the Minister of Justice and the Minister of Heritage, and their officials. We invited them. The Minister of Canadian Heritage and his officials came. The officials for the Minister of Justice came. Now we're at the point where we have people here who could answer questions, and we're not asking them the questions.

I think we should ask the questions. We should proceed with the panel on Monday. Again, if the committee wishes to reiterate an invitation to the Minister of Justice, I will support it, as I did on Monday of this week.

Thank you.

The Chair: Mr. Aitchison.

Mr. Scott Aitchison: Thank you, Mr. Chair.

I'm wondering if I could ask you a question. The panel, you said, is scheduled for Monday. That means we do, in fact, have four witnesses to come and speak that day? They are all confirmed?

The Chair: Yes. If you're asking me a direct question, yes, we do. The four are confirmed.

I was going to announce who they are. We can do that later on towards the end of the meeting. We may not get time for it.

Each party has put forward a name, and they have confirmed for Monday.

• (1440)

Mr. Scott Aitchison: Okay.

The Chair: Mr. Rayes.

[*Translation*]

Mr. Alain Rayes: Thank you, Mr. Chair.

I'd like to point something out in response to Mr. Housefather's comments. With all due respect to him, point 3 of the motion, as unanimously adopted by the committee, clearly states that the committee will “[s]uspend clause-by-clause consideration of Bill C-10 until the completion of both points 1 and 2.” We all agreed on the fact that the committee should meet with both ministers. The Minister of Justice has refused thus far.

I will go even further and say that, before we voted, I went to the trouble of asking for clarification. I wanted to be sure that we would hear from both ministers before hearing from the panel. Everyone nodded their head. I'm not saying that we necessarily need to cancel Monday's meeting; we can make a decision on that. However, I want to underscore the fact that I went to the trouble of seeking that clarification.

Everyone has said they want to work together in a collegial manner, but we had agreed on the motion as a way out of the impasse. Today, we find ourselves at that same impasse, which has lasted for two weeks. On Monday, the committee finally adopted the very motion that members had refused to support two weeks prior.

I want that to be clear. What's happening is truly unfortunate. I thought for sure that we would be hearing from both ministers today, that the four witnesses would be appearing on Monday of next week and that we could then move things along. That does not seem to be the case, however.

[*English*]

The Chair: Mr. Shields.

Mr. Martin Shields (Bow River, CPC): Thank you, Mr. Chair.

I really appreciate the conversation. I think the deputy minister who is here is a very learned person, but she made one critical statement—that whatever this document was that was provided, it was approved by the minister. The buck stops there.

That's why it's critical that the minister is the person that we meet with. I think that's why we're unanimous. He approved this document. Somebody else may have written it, but it's under his signature. That's why it's very critical that he is the person who then speaks with us and answers our questions, as we unanimously asked for. As the deputy minister said, it's under his approval.

Thank you, Mr. Chair.

The Chair: Ms. Dabrusin.

Ms. Julie Dabrusin: Thank you.

I just wanted to clarify the wording of the motion. We can have the conversation about what the committee feels about the attendance of the Minister of Justice, but as far as fulfilling the needs of the motion itself, it was to ask for the revised charter statement, which we have. It was also to invite the Minister of Justice and the Minister of Canadian Heritage, which was done.

So in terms of the wording of the motion, paragraphs (1) and (2) have in fact been fulfilled. I would just put that out there, because the argument was made that the motion in (1) and (2) had not been fulfilled.

The Chair: Thank you, Ms. Dabrusin.

Before we go any further, I'm kind of editing in my mind how this works. If we get to testimony, I could ask Ms. Drouin if she could put away her notes. We'd probably go directly to questions and comments, given the time constraints.

Mr. Aitchison, you have the floor.

Mr. Scott Aitchison: I have to say that Ms. Dabrusin made some very strange comments. I'm not about to cast aspersions on her so-

cial skills, but when you invite somebody somewhere, it's because you actually want them to show up. The purpose of inviting someone is not just to go through the exercise of inviting them. I think it's a little disingenuous to suggest for one second that, oh, we've invited him, so that's all we need to do; let's carry on.

That's the most ridiculous thing I think I've heard yet today.

The Chair: Now that the list has been exhausted...

Before we go to that, folks, at this point there is no motion to deal with it. There's just a lively discussion about it. I will proceed with Monday, where we do have our four experts on the panel. If we want to take up this discussion again, I think we probably should. Maybe we can have a good think about it on the weekend. We can come back to it on Monday, when I'll receive your direction as to how you wish to proceed.

Yes, it is true that the motion does invite the Minister of Justice to arrive. He is not here. Now we have to measure the intent of that. I'm asking everyone to help me out to try to find a solution. In the meantime, I will proceed to invite the four witnesses on Monday, unless a motion tells me otherwise.

Mr. Waugh.

• (1445)

Mr. Kevin Waugh: Thank you, Mr. Chair.

I have the solution for us today.

My solution is that we propose another invitation be sent to the Minister of Justice and that we postpone the guests we have here today until Tuesday or Wednesday, when the justice minister can come to committee. I think we all agree that we'd like to hear from him. If we can do that, I'll propose that this committee sends another invitation to the justice minister, and thus we postpone the guests we have here today until they can come with the minister.

The Chair: You're putting a motion on the floor, correct?

Mr. Kevin Waugh: Yes.

The Chair: The motion states—and I'll paraphrase here, Mr. Waugh, for the sake of time—that you extend an invitation to the Minister of Justice to appear before the committee. Did you say Tuesday, or Tuesday and Wednesday?

Mr. Kevin Waugh: I said Tuesday or Wednesday, along with department officials.

The Chair: Correct. That's usually taken for granted, though, Mr. Waugh. When we invite a minister, officials accompany them. Does everybody understand the motion that is now on the floor? I assume you're done talking about it, Mr. Waugh?

Mr. Kevin Waugh: I am.

The Chair: I think it's pretty straightforward—

Mr. Kevin Waugh: It is straightforward.

The Chair: —that we extend an invitation to the minister to appear either on Tuesday or Wednesday of next week, following the expert panel.

Ms. Dabrusin.

Ms. Julie Dabrusin: I just wanted to clarify. Was that after the expert panel on Monday?

The Chair: Yes, that is correct. I think I can clarify that, Mr. Waugh.

Ms. Julie Dabrusin: Perfect. Thank you.

The Chair: Ms. McPherson.

Ms. Heather McPherson: I just wondered whether we could put a time constraint on that. My worry always is that we get bogged down and don't do the work that we need to do. Would Mr. Waugh be willing to accept a limit in how long we postpone, regardless?

The Chair: If I may, Mr. Waugh? I think he's saying that he is extending an invitation for Tuesday or Wednesday. I think that's where it ends. I think there is an implied limitation within that, if I'm reading this correctly.

Ms. Heather McPherson: Perfect.

The Chair: Okay. Mr. Waugh, can I get a quick clarification from you?

Mr. Kevin Waugh: Yes, I think so. We would like him before the panel, but I think we put the cart before the horse here because some experts on the panel—

The Chair: Mr. Waugh, I have to give Mr. Rayes the floor. If it's a point of debate, you can just clarify. Is it Tuesday or Wednesday?

Mr. Kevin Waugh: Well, it's either/or.

The Chair: Okay.

Mr. Rayes.

[*Translation*]

Mr. Alain Rayes: Thank you, Mr. Chair.

I want to respond to what Ms. McPherson said. The biggest delay is due to the fact that we cannot move forward as long as the minister has not appeared.

If the Liberals genuinely want to move this bill forward, they will make sure the Minister of Justice appears before the committee for one hour. Point 3 of the motion clearly stipulates that clause-by-clause consideration will be suspended until the committee has heard from both ministers. Points 1 and 2 have to be completed in order for us to resume clause-by-clause consideration of the bill.

It's hard to set a stricter time limit than that. It's quite surprising that the minister isn't here today.

[*English*]

The Chair: Ms. Harder.

Ms. Rachael Harder: Thank you, Chair.

I just have a further point of clarification here to make sure we don't have to walk around this again.

I would offer this friendly amendment to my colleague's motion, that the minister would come before the expert panel before Wednesday—that he would come, that he would appear and that he would testify, not just be invited.

The Chair: Let's bear in mind that the amendment has to be in line with what was originally proposed. I'm not sure. I'm going to seek some expert advice.

Mr. Alain Rayes: I have a point of order.

The Chair: One moment, Mr. Housefather.

Are you asking to compel attendance here, Ms. Harder? We can't do that, right?

Ms. Rachael Harder: I'm simply saying that for us to move forward with hearing from other witnesses and to move onto clause-by-clause, the minister would need to testify.

• (1450)

The Chair: If you're moving an amendment, I have to quickly check to see—

Mr. Alain Rayes: I have a point of order.

The Chair: Mr. Housefather.

Mr. Anthony Housefather: Ms. Harder is not a member of the committee. All four Conservative members are here. She cannot propose an amendment to the motion.

The Chair: Yes, you are correct. Thank you, Mr. Housefather.

I'm sorry Ms. Harder, but you're unable to move an amendment. Thank you.

Mr. Aitchison.

Mr. Scott Aitchison: Thank you, Mr. Chair.

May I propose an amendment to this motion, that it read that the minister actually appear before the committee, rather than our just inviting him?

The Chair: I'm sorry, everybody probably heard that but me. Could you repeat that one more time? I apologize.

Mr. Scott Aitchison: I will propose an amendment to Mr. Waugh's motion, that the Minister of Justice actually appear before the committee and testify before we continue with clause-by-clause.

The Chair: Are you saying that you want to invite the minister? The wording you use compels him to come here, but we can't do that.

Mr. Scott Aitchison: If I may, Mr. Chair, what I'm saying is not that we're issuing a subpoena to the Minister of Justice; we're saying that we won't continue with clause-by-clause until he comes.

If that compels the government to send him or compels Mr. Guilbeault to get on the phone and say, help me out; you're my partner in whatever here, so come.... I think it compels the government to be a little more engaged with us on this issue.

The Chair: Mr. Rayes.

[*Translation*]

Mr. Alain Rayes: Thank you, Mr. Chair.

I find it incredible that the committee has to include a note stating that it must hear from the minister before hearing from the experts. If we must, we must.

I repeat, I checked the transcript from Monday's meeting. I did indeed go to the trouble of asking all the committee members before we voted. Everyone agreed before the vote. I asked the question explicitly to be certain I understood what we were voting on. I asked whether we would be hearing from both ministers before hearing from the experts. No one objected. No one made a single comment. I even pointed out that everyone had nodded their head. With all due respect, Mr. Chair, even you pointed it out.

It's fine to repeat it, but I do want to point out to everyone that that was what we had agreed on. I have the transcript in front of me. Even though we all received it, I can email it to anyone who may have doubts.

I wanted to make that clear, Mr. Chair.

[*English*]

The Chair: Mr. Rayes, just for a point of clarification, I understand what you are saying. If the understanding from everybody was that they would both appear along with the charter statement, that is true, but the remedy you are seeking is one that I cannot provide. It would mean that you're compelling the minister to be here, and I cannot do that. We as a committee cannot do it.

I appreciate that as a point of debate, but right now we're still on the motion.

Ms. McPherson.

Ms. Heather McPherson: Mr. Chair, it is challenging for me to keep track of all of the different subamendments and amendments being put forward. Is there any chance for us to get this in writing?

I realize we are running out of time. I'd be happy to stay longer in this committee meeting. If there is any chance for us to get that sent out to all of the members of the committee so that we can reflect upon it and come back....Even two minutes would be helpful.

The Chair: We'll do that. We'll suspend for literally two minutes, if you wish to gather your thoughts.

An hon. member: Once we have the motion mailed to us....

The Chair: That is correct.

• (1450)

(Pause)

• (1455)

The Chair: All right folks, we're back from suspension.

I just want everyone to know, because this is happening very quickly when it comes to the motion and now an amendment, that I think we have to proceed.

Before I go to Mr. Housefather, however, I need to go to Mr. Aitchison. We need some serious clarification over what the amendment is that he's trying to do.

The motion we currently have is that we extend an invitation to the Minister of Justice to appear Tuesday or Wednesday. Mr. Aitchison, I'm going to caution you on this one. We cannot use language that compels the minister to be here, as we cannot compel his attendance.

Mr. Aitchison, before I go to Mr. Housefather, can you provide the clarification on the amendment that you proposed?

Mr. Scott Aitchison: Maybe I need to ask you a question, then, Mr. Chair.

My amendment spoke specifically to not proceeding with clause-by-clause until we hear the minister at the committee. Does that compel him? Would you rule it to be a motion that compels him to do something he doesn't want to do?

The Chair: You can—

Mr. Scott Aitchison: Or does it compel us to...? Sorry.

The Chair: You can make an amendment that states that.... Let me get this right. What you want to do is delay all this until the minister arrives.

Mr. Scott Aitchison: Yes.

The Chair: All right. You want to delay Bill C-10. You want to delay the expert panel.

Mr. Scott Aitchison: Yes, until we hear from the minister.

The Chair: All right.

Does everyone hear the amendment clearly? Extend an invitation for Tuesday or Wednesday, and we do not continue with Bill C-10 until said minister arrives.

Go ahead, Mr. Housefather.

Mr. Anthony Housefather: Yes, thank you, Mr. Chair.

I would have agreed, and I do agree with Mr. Waugh's original motion. I do not agree with Mr. Aitchison's amendment.

We have a panel of four people who are very busy, highly respected, influential people who have put time aside in their schedule to come on Monday. I don't believe that anything justifies delaying that expert panel on Monday.

I am totally comfortable with an invitation that says the Minister of Justice should be asked again, re-invited by the committee, to come on Tuesday or Wednesday of next week. It is perfectly within the purview of the committee at that point, if the Minister of Justice doesn't come, to not proceed to clause-by-clause. Nothing that we say today binds us next Tuesday. Even if we were to adopt Mr. Aitchison's amendment today, it wouldn't stop anyone from putting forward a motion after the expert panel on Monday to proceed with clause-by-clause.

Let's see what happens. Let's agree to invite the minister for Tuesday or Wednesday. Let's proceed with the panel on Monday. The chair will tell us on Monday the status of the minister's invitation after the expert panel, and then we'll decide what more we need to do or not do.

I thought we had consensus to proceed with the expert panel on Monday and invite the minister for Tuesday or Wednesday. Then, it's always up to the committee at that time what they choose to do. Our Conservative colleagues have shown us that they can delay meeting after meeting, anyway, if they don't want to proceed.

I don't think the amendment is necessary. Again, I think there was a consensus on Mr. Waugh's motion.

We're at three o'clock. Mr. Chair, if Mr. Aitchison would perhaps withdraw the amendment, my suggestion is that we adopt Mr. Waugh's motion, we do the expert panel on Monday, and we see then what happens with the minister's response to our invitation. If we finish early enough, perhaps the clerk can send it out this afternoon.

Thank you, Mr. Chairman.

• (1500)

The Chair: Were you directly asking a question to Mr. Aitchison?

Okay, you weren't.

Mr. Anthony Housefather: Unless, Mr. Chair, you tell me that Mr. Aitchison has the ability, personally, to withdraw his amendment—I think, once it's on the floor, the committee has to agree unanimously to withdraw it, because it's no longer his—then I don't have a question for Mr. Aitchison. I would suggest that, if my colleagues agree, it should be removed or voted against so we can proceed to Mr. Waugh's motion.

Thank you, sir.

The Chair: We can proceed to the vote, if you wish, but I see a lot of hands up right now.

Go ahead, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I, too, thought we had reached a consensus on Mr. Waugh's motion, which I think is entirely reasonable. The ball is in the Liberals' court. It's up to the government, the party decision-makers.

We will send the minister another invitation, in the hope that he will appreciate the sense of urgency and the fact that his refusal to appear or delayed appearance puts the committee's work on shaky ground.

I was quite happy with the compromise that would have the committee hear from the witnesses on Monday. As Mr. Housefather pointed out, they are extremely busy and credible people. That's why we chose them. I appreciate Mr. Waugh being receptive to that. I think we can come back to the motion, hear from the panel on Monday, as scheduled, and cross our fingers that the Minister of Justice shows up on Tuesday. If not, I will be floored. It will show that he truly does not grasp the urgency of the situation.

[*English*]

The Chair: Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: Thank you, Mr. Chair.

I see that it's now past three o'clock, and I move to adjourn.

The Chair: We now have a motion to adjourn.

Does everybody understand what that means? Great.

Madam Clerk.

Ms. Julie Dabrusin: Mr. Chair, I thought that, once we got to three o'clock, the end of the meeting, we didn't need a full vote, we just adjourn.

The Chair: No, you don't, Ms. Dabrusin. It's always implied consent that we adjourn, but, quite frankly, it's the call of the chair to see that this consent is not implied, as we're in the middle of doing something. I'm afraid you're going to have to make it a little more formal than that.

Ms. Julie Dabrusin: All right.

The Chair: Ms. McPherson.

Ms. Heather McPherson: Sorry, I'm assuming right now we're just debating the adjournment. If that's the case—

The Chair: No, no. I don't think Ms. Dabrusin moved an adjournment motion.

Ms. Heather McPherson: Okay.

The Chair: Is that correct, Ms. Dabrusin? Yes.

Ms. McPherson.

Ms. Heather McPherson: Thank you.

I just wanted to say that I, also, in a very cross-partisan way, support Mr. Waugh's motion, Mr. Housefather's rationale and Mr. Champoux's process on it. I think I would be very supportive of having our expert panel on Monday, and then having the minister join us on Tuesday. I think that is an excellent compromise that will allow us to continue to do the work we need to do. That will be where my support would land. It's very cross-partisan to be collective and collaborative together.

The Chair: Mr. Waugh.

Mr. Kevin Waugh: Very quickly, Mr. Chair, can I ask to suspend? That way we can continue this debate during our next meeting, whenever that is next week.

The Chair: Well, the issue with that is we start out with it. We do have witnesses coming on Monday, so that becomes a little bit problematic.

I see that nobody wants to talk, so we can go to a vote—except Mr. Aitchison wishes to talk.

Mr. Aitchison.

Mr. Scott Aitchison: Thank you, Mr. Chair.

I apologize for wishing to talk.

I thought, actually, that what I heard all across party lines, including from my dear friend, Mr. Housefather, was eminently reasonable. I will actually withdraw my subamendment, if that makes everybody happier, and we can proceed back to Mr. Waugh's motion. Clearly, he is a far more seasoned veteran at this and more knowledgeable, better looking, all those good things, and it makes more sense.

• (1505)

The Chair: I'm beginning to think you write his householder, Mr. Aitchison, with all due respect.

Seeing that we have unanimous consent across the board, now we go to the main motion that was put forward by Mr. Waugh to extend the invitation to the Minister of Justice to arrive either Tuesday or Wednesday, and we would continue with Monday's witness testimony with the four-expert panel.

Seeing no debate, all those in—

Ms. Julie Dabrusin: Mr. Chair, I just wanted to clarify, if you can read it to me again. I want to make sure I understand what exactly it is about.

The Chair: I tell you, honestly, things are happening so fast, Ms. Dabrusin, yes, I appreciate that.

I'm going to go to the clerk, because that's why I'm paraphrasing, to also repeat what I said about the motion at hand, which is from Mr. Waugh.

Madam Clerk.

The Clerk: Mr. Waugh, please do correct me to make sure I have this written down properly. You propose another invitation be sent to the justice minister and officials for either Tuesday or Wednesday of next week—and the days will be put in when the minutes are written—and we continue with the expert panel on Monday, May 17.

Mr. Kevin Waugh: Correct.

The Chair: Okay. Do we have a general understanding now? Yes. Let's proceed to the vote.

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

The Chair: Remember what I said earlier about implied consent? Let me return to that.

It is now six minutes past our expiry, pardon the expression, so I'm going to be so bold as to say that the meeting is now adjourning and we'll be back on Monday.

Madam Clerk, could you just mention who we have as witnesses, please.

The Clerk: Thank you, sir.

The Clerk: Yes, sir.

We have Janet Yale, Pierre Trudel, Dr. Michael Geist and Andrew Cash.

The Chair: Good.

Ladies and gentlemen, have yourselves a wonderful weekend.

We are adjourned.

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