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• (1100)

[English]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): I call this meeting to order.

Welcome back, everyone.

This is meeting number 25 of the House of Commons Standing Committee on Canadian Heritage. Pursuant to the order of reference of February 16, the committee resumes clause-by-clause consideration of Bill C-10, which we started on Friday and will continue today in a two-hour format.

As a note, as you know, we had a motion passed a few weeks ago in regard to seeking out extra time, if possible, for the consideration of Bill C-10. In terms of advance notice for this coming Friday—if we have to carry this over to Friday—I'll be scheduling a three-hour meeting once again.

All right. We'll do the same timing as last time. Of course, we're still in a hybrid format. I forgot to mention this the last time, by the way, but screenshots, taking photos of your screen, are not permitted. I know that you may already know this, but I just thought I'd add that.

Also, we've been good so far, but please don't speak until I recognize you by name. It's not because I want to feel intoxicated with all the power of being a chair; rather, it's to allow our committee Hansard the opportunity to make things all right in their world. As I said before, it can sometimes be confusing enough in person, so you can imagine it in this hybrid format. I shouldn't even say “hybrid”, because we're all online, with the exception of staff, so I guess we're going completely virtual.

I want to say just one other thing. We made a slight change last time in the voting on how we proceed on carrying—or not—each individual clause or amendment. To recap how this works, I will ask if it carries. I'll say, “Does the amendment carry?” If I'm met with silence, then it will carry. If you want to support it or oppose it, but you don't want to go to a recorded vote, you have two options. You can say “on division” or “carried on division”, or you can say “negatived on division”. If you say that, if you say “negatived on division” or “carried on division”, and someone else says “no” or “yes”, I will automatically go to a recorded vote.

Thank you, Mr. Housefather. I think you helped us out there last time.

I think that's a fairly good system. We've used it only once. In case you don't want to go to a recorded vote and you want to move

on, you now have the option of—remember—“carried on division” or “negatived on division”. Thank you.

For the folks who are watching this from outside our virtual room here with those of us on the webcast, I'm going to do one explanatory thing. When we do the clauses, within the clauses most everyone has submitted possible amendments for consideration. Whether they're ruled in order or not, that's something else. We're going to go in order from number one up to the end of the amendments that are coming in. We have amendments by six different groups. We have amendments by “PV”. You have PV-1 from the *Parti vert*, which is the Green Party. We also have LIB-1 or LIB-2, and these are amendments by the Liberal members on the committee. “CPC” represents the Conservative Party members on this committee. “BQ” represents the Bloc Québécois member on the committee. NDP-1 or NDP-2 are amendments by the NDP member on the committee. The final category is G, and yes, we do get to do government amendments. We have a few of them here. They will be G-1, G-2 and so on.

(On clause 2)

The Chair: That being said, let's get going. When we last left off, we were at NDP-7. Is everybody ready to go on that? We were dealing with the subamendment by Mr. Housefather.

To pick this up again, Mr. Housefather, can I call on you to start?

Mr. Anthony Housefather (Mount Royal, Lib.): Certainly, Mr. Chairman, but I believe there have been some discussions that may just.... Can I withdraw the subamendment?

• (1105)

The Chair: Yes, you can, by all means.

Mr. Anthony Housefather: I'll withdraw the subamendment.

The Chair: I'm seeing no dissension about that.

(Subamendment withdrawn)

The Chair: We now go back to the main amendment, NDP-7.

Ms. Dabrusin.

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

I would like to propose a subamendment to NDP-7. The first part of this subamendment would be to proposed paragraph (f). It would insert the word “production” after “and other human resources in the creation” and then it would say “, production and presentation of programming”.

Then after “presentation of programming”, I would add “unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impractical, in which case the undertaking shall make the greatest practicable use of those resources”.

The subamendment would go on to proposed paragraph (f.1) of NDP-7 to add, after the words “and other human resources”, “and shall contribute in an equitable manner to strongly support the creation, production and presentation of Canadian programming”.

The Chair: You certainly have had a discussion. That's quite an amendment.

I'm going to have to slow things down a bit, because I can only imagine that there are several pens and perhaps keyboards tapping feverishly to get in what you just said.

Was there something submitted in writing, Ms. Dabrusin?

Ms. Julie Dabrusin: No. I wish I could say yes, but this is Monday morning, so no, I do not have it in writing. I am happy to read it again if necessary.

The Chair: I'm turning to either our clerk or legislative clerk to see if they need a bit of time. I know what I can do in the meantime.

Let's talk to our legislative clerk. Do you have any questions?

Mr. Philippe Méla (Legislative Clerk): Usually, it is required to have a written version of all amendments and subamendments, particularly in this case, where it's such a long one, unless you're willing to repeat it several times, so that we can make sure we have it at the right place and with the right wording.

The Chair: Just before you do that, Ms. Dabrusin, is there any way that you can communicate with Philippe in writing with that? I say that, because I can actually buy some time.

I forgot to introduce our special guests from Canadian Heritage. While I do that, how about you, in the middle of a subamendment, have a subconversation about passing on some of this material, so that we can ingest it as we now take it from the floor. We don't have it in writing at this point.

Ms. McPherson, should I go to you first, or would you rather wait until the text is in?

Ms. Heather McPherson (Edmonton Strathcona, NDP): I can send the text if that's necessary. If Julie has it and can send it, that would be fine too.

The Chair: Ms. Dabrusin, go ahead.

Ms. Julie Dabrusin: I can send it if I could have Mr. Méla's appropriate email address.

The Chair: Mr. Méla, do you want to send your email address to her?

Mr. Philippe Méla: Yes, I was going to suggest that. I could send it to Ms. Dabrusin's P9 account.

The Chair: Thank you.

In the meantime, as I mentioned, I overlooked doing this, and to our special guests, that's no reflection on the service that you provide this country. You have my apologies.

If you're watching our webcast, I want to welcome once again Thomas Owen Ripley, director general, broadcasting, copyright and creative marketplace; Drew Olsen, senior director, marketplace and legislative policy; Kathy Tsui, manager of industry and social policy, broadcasting, copyright and creative marketplace; and Patrick Smith, senior analyst, marketplace and legislative policy. He did a smash-up job last Friday, and here he is again doing much of the same.

We welcome all of you once more, as we call upon you at this important time.

Mr. Shields.

• (1110)

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

As we're waiting for it, perhaps Ms. Dabrusin could clarify her rationale for the changes. As we don't see it in front of us, maybe she can do that.

The Chair: It's probably difficult for her to type and talk at the same time, I would imagine.

Ms. Dabrusin, go ahead.

Ms. Julie Dabrusin: There are a couple of reasons. The first part was to add “production”. That's a pretty simple one. I don't think that needs much conversation.

The other part was to not have an unintended consequence. The wording that we're actually bringing back in is already in the original Broadcasting Act. We're bringing that back. It's to make sure we're not having an unintended consequence on services that do not produce in French and English—like in third languages—so they wouldn't be able to fit with these rules. Those are the primary ones.

The part about strong support for the creation, production and presentation of Canadian programming is just strengthening the importance of Canadian stories and music and making sure we're supporting that.

Mr. Martin Shields: Thank you.

The Chair: Thank you for that, Ms. Dabrusin.

We'll wait for confirmation on receiving the text.

Does everybody have a genuine understanding of what's being proposed in this subamendment?

Mr. Waugh.

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

As you said on Friday, NDP-7 would replace the BQ-5. Is that right? We also had G-2, which was not carried on Friday. If this subamendment to NDP-7 passed, we would not look at BQ-5. Is that right?

The Chair: Thank you for that question. Let me clarify.

If NDP-7 is adopted, BQ-5 cannot be moved due to a line conflict.

On Friday there was a proposed subamendment, but that has been withdrawn by Mr. Housefather. Here we are now with Ms. Dabrusin's subamendment for NDP-7.

Ms. Dabrusin.

Ms. Julie Dabrusin: Thank you.

The other thing that I was hoping to highlight—and someone who is francophone might be able to help me more with this—is that my understanding is that the choice of words in the French part of NDP-7 does not reflect the strength of the English language chosen in the translation.

I'm trying to zero in on the exact words, but I wanted to highlight that. Maybe someone else can speak to it. If the English language translation can be given prominence or precedence, then the French can be translated from that.

The Chair: I'm going to turn to Mr. Méla on this one.

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

It's hard for me to debate the language. I assume the amendment has been drafted in English to start with and been translated by specialized people—legal translators—in-house. I don't think I can comment on the content in terms of French versus English.

The Chair: Because it's a subamendment from the floor, we're going to repeat it just to make sure we have this right in both languages, in the absence of the written form.

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux (Drummond, BQ): I wanted to provide my modest linguistic contribution on the difference that may be perceived between the meaning of the English version and that of the French version. This is actually a question we wanted to put to Mr. Méla.

Pardon me, I'll find the page in question and get right back to you.

• (1115)

[*English*]

The Chair: Thank you.

Once again I stress the importance of doing this from the floor.

Mr. Champoux, do you have what you're looking for?

[*Translation*]

Mr. Martin Champoux: Yes, Mr. Chair.

So the English version reads as follows:

[*English*]

each foreign online undertaking shall make the greatest practicable use of Canadian creative

[*Translation*]

The French version states:

les entreprises étrangères en ligne sont tenues de faire appel dans toute la mesure possible

It states "dans toute la mesure possible" in order to emphasize the intent.

Can Mr. Méla reassure us as to the degree of intent conveyed in the French version, which we feel is somewhat less strong than in the English version?

[*English*]

The Chair: I see what you're saying. This is a measure of intent not interpretation. I understand.

I don't know if Mr. Méla is available to comment on that right now.

Mr. Philippe Méla: It looks the same to me, but then again, you have to keep in mind that the translation has to take into consideration what has been used in the whole bill and in the amendment as well. Maybe that language is used elsewhere in the bill and that's why it was used there. All in all, it appears to be of the same strength and value.

The Chair: Mr. Champoux, I'm going to ask you to respond to that.

I'd like to get your comfort level on this before we proceed.

Go ahead.

[*Translation*]

Mr. Martin Champoux: I wanted to hear Mr. Méla's opinion to assure me that the CRTC would interpret the act in exactly the same way in English and in French. My impression was that the English version was slightly stronger than the French version. That's why I had reservations about the French version. However, if Mr. Méla is confirming that the two versions will be interpreted in the same way, then I'm reassured.

[*English*]

The Chair: Okay. Let's go back and get an update, because I would really like to read this into the record one more time, because we're doing this from the floor as opposed to in writing.

Mr. Méla, I'm going to gauge your comfort level before I go to Ms. Dabrusin to read the subamendment once again.

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

I have the subamendment, once included in the amendment. I can read that if that is better?

The Chair: Okay. Go ahead.

Mr. Philippe Méla: Proposed paragraph (f) would read as follows: "each Canadian broadcasting undertaking shall employ and make maximum use, and in no case less than predominant use, of Canadian creative and other human resources in the creation, production and and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impractical, in which case the undertaking shall make the greatest practicable use of those resources".

Proposed paragraph (f.1) would read as follows: “each foreign online undertaking shall make the greatest practicable use of Canadian creative and other human resources and shall contribute in an equitable manner to strongly support the creation, production and presentation of Canadian programming in accordance with the objectives of the broadcasting policy set out in this subsection and taking into account the linguistic duality of the market they serve”.

The Chair: I guess we don't need Ms. Dabrusin to repeat it.

Is everybody at a comfort level with this?

Ms. McPherson.

Ms. Heather McPherson: I think it might have been a small error, but when he was reading proposed paragraph (f), he said “prominent” and not “predominant”.

I want to clarify that it is in fact “predominant” and not “prominent”. I think it was a small error.

Mr. Philippe Méla: Yes, it is “predominant”.

I will just add that my colleague just checked the act, and indeed, the point that Mr. Champoux was putting forward is translated in the act in the same way.

• (1120)

The Chair: That's excellent work.

Thank you, legislative clerks. How you manage to keep this language in your head, moving around, and to make of sense of it is always beyond me. Now is an appropriate time to say thank you for all that you do.

That being said, Ms. McPherson, are you finished? Okay.

[Translation]

Go ahead, Mr. Champoux.

Mr. Martin Champoux: Would I be testing the committee's patience if I asked Mr. Méla to read the amendment in French as it would be altered by the subamendment?

Mr. Philippe Méla: Yes, you would, because I don't have the French version. I apologize.

Mr. Martin Champoux: There's no need.

[English]

The Chair: This kind of puts us in an awkward situation, obviously, with a translation from the floor. Because we do not have it in writing, it becomes difficult to do, Mr. Champoux.

Were you okay with the interpretation as you heard it?

[Translation]

Mr. Martin Champoux: I listened to it in the original language, Mr. Chair. I wanted to hear it read in English first because I thought we would also read it in French. I now know that Mr. Méla didn't have the French version. I have it before me. Does the committee wish me to read it, or will we rely on the legislative drafters' translation?

[English]

The Chair: To see that you're at a comfortable level, would you like to go ahead and read that, Mr. Champoux?

[Translation]

Mr. Martin Champoux: Yes.

[English]

Mr. Philippe Méla: Mr. Chair, I'm sorry to interrupt, but once Mr. Champoux reads that into the record, it will become the translation of the amendment. The office of the law clerk won't be able to provide a new one. This is said to make sure that we know what we're doing.

The Chair: Mr. Champoux, bearing there's no conflict, of course, between the two, I offer you the chance to read it in French if you want to. Why don't you go ahead?

[Translation]

Mr. Martin Champoux: Knowing that the version I read here will be the official version puts me under pressure. My colleagues may prefer to rely on the drafters and translators. I wouldn't dare take the initiative at this stage without my colleagues' approval, Mr. Chair.

[English]

The Chair: Okay, that sounds like a good idea.

Mr. Housefather.

[Translation]

Mr. Anthony Housefather: I simply want to say that I trust Mr. Champoux's translation and that I would be pleased to have him read the French version of the amendment as it would be amended. I also think it's important to read the French version before adopting such a substantial amendment. That's why I'd like him to read it.

[English]

The Chair: Mr. Champoux, things seem to be coming back to you.

[Translation]

Mr. Martin Champoux: Then here I go. The French version would read as follows:

f) les entreprises de radiodiffusion canadiennes sont tenues d'employer des ressources humaines — créatrices et autres — canadiennes et de faire appel à celles-ci au maximum, et dans tous les cas au moins de manière prédominante, pour la création, la production et la présentation de leur programmation, à moins qu'une telle pratique ne s'avère difficilement réalisable en raison de la nature du service — notamment, son contenu ou format spécialisé ou l'utilisation qui y est faite de langues autres que le français ou l'anglais — qu'elles fournissent, auquel cas elles devront faire appel aux ressources en question dans toute la mesure du possible;

f.1) les entreprises étrangères en ligne sont tenues de faire appel dans toute la mesure du possible aux ressources humaines — créatrices et autres — canadiennes et de contribuer fortement, de façon équitable, à la création, la production et la présentation de programmation canadienne selon les objectifs de la politique canadienne de radiodiffusion en tenant compte de la dualité linguistique du marché qu'elles desservent;

[English]

The Chair: Okay.

Mr. Housefather, your hand is up. Did you want to speak again?

[Translation]

Mr. Anthony Housefather: I'd actually like to comment on my colleague's intent.

Mr. Champoux, I believe you added a word that doesn't appear in the text of the amendment, which reads as follows:

f.1) les entreprises étrangères en ligne sont tenues de faire appel dans toute la mesure possible...

You read, "dans toute la mesure du possible." I don't believe the word "du" appears before the word "possible" in the text of the amendment.

Mr. Martin Champoux: You're right. Thank you for correcting me.

● (1125)

[*English*]

The Chair: Mr. Champoux, hang on one second.

Folks, thank you very much, but again, I ask everyone to try to do this through the chair so I can identify who's speaking for those taking the record.

There's one other thing. I'm not saying you folks did this, but when we read things off paper, we tend to speak much quicker. I ask, when you're reading from a paper, to please slow down. That was a valiant effort. It's not that you made a mistake; don't get me wrong. I do it too sometimes, so I'm reminding myself as well as you.

Is there any further conversation on this?

Mr. Champoux, I see your hand is up. Do you want to speak again?

[*Translation*]

Mr. Martin Champoux: I simply wanted to point out that Mr. Housefather was correct. The exact wording is "dans toute la mesure possible," not "dans toute la mesure du possible." That was my mistake.

[*English*]

The Chair: I'm glad we have that clear.

[*Translation*]

Mr. Philippe Méla: Pardon me, Mr. Chair.

[*English*]

The Chair: Is there any further discussion on what is proposed in the subamendment by Ms. Dabrusin?

Mr. Philippe Méla: Mr. Chair, I'm sorry to interrupt again.

In the act, the same language is indicated as

[*Translation*]

"dans toute la mesure du possible".

If Mr. Champoux agrees, we can write "dans toute la mesure du possible".

The Chair: Go ahead, Mr. Champoux

Mr. Martin Champoux: Mr. Chair, I thought I did it right the first time. So, yes, I entirely agree.

Mr. Philippe Méla: Thank you.

[*English*]

The Chair: Is there any further discussion?

Seeing none, we'll now go on to the vote. This is the subamendment of NDP-7, as put forward by Madam Dabrusin. I understand that everyone has a general comprehension of this now—or, at least, for goodness' sake I hope so.

Shall the subamendment carry?

(Subamendment agreed to)

The Chair: Now we go back to the main amendment, NDP-7, which is on page 24 of your document.

Seeing no further discussion, we will go to a vote. Shall NDP-7 as amended carry?

(Amendment as amended agreed to)

The Chair: Now with NDP-7 adopted, that means BQ-5 cannot be moved because of the line conflict. I don't think I need to explain "line conflict". We went through this last time.

Let's move on now to BQ-6.

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, the purpose of the amendment moved is to remove any mention of programming control. We think that persons carrying on broadcasting undertakings should be responsible for the programs they broadcast, period.

[*English*]

The Chair: Do we have any discussion on BQ-6?

Ms. Ien.

Ms. Marci Ien (Toronto Centre, Lib.): Thank you so much, Mr. Chair.

Thank you to my colleague for bringing this forward.

We see BQ-6 as similar to NDP-6, which we have already discussed. We think, at this point, this is not the place to discuss user-generated content. We don't feel that it should not be regulated. Our government has been very clear on this point. We are going to bring forward a bill that deals with this, and we look forward to debating that in the House on the floor. However, at this point, this is something that we don't feel is necessary or appropriate.

[*Translation*]

Mr. Martin Champoux: I don't share my colleague's opinion, Mr. Chair, because we know that online undertakings and social media control their programming and the content that is distributed, and that their control is much greater than they dare admit.

I believe there's good reason to include provisions respecting broadcasting in the Broadcasting Act. I don't think the nature of distributed content will conflict with these provisions or those of any future act. In any case, we can't offer an opinion on that act since it's not yet on the table.

I think it's important that online undertakings, including social media, accept responsibility for distributed content to the extent they can do so. I needn't remind you of the many recent examples of distribution of user-generated content that could have been avoided. Full coverage of tragic stories has been broadcast and is still available on certain parts of the web. It's our duty to regulate that as best we can now, without waiting for the next act.

• (1130)

[*English*]

The Chair: Ms. Ien, I see that your hand is up. Do you want to comment further?

Ms. Marci Ien: I do.

If my honourable colleague needs more on this, I would love to go to our government representatives to provide that clarity as to why we want to separate this at this time.

The Chair: Okay.

As we normally do, I'm going to ask not for a virtual hand but perhaps for an actual hand in this world.

Mr. Ripley, would you like to respond?

Mr. Thomas Owen Ripley (Director General, Broadcasting, Copyright and Creative Marketplace, Department of Canadian Heritage): Yes, thank you, Mr. Chair.

Thank you for the question.

As the committee is aware, one of the objectives of Bill C-10 is to clarify and enlarge the definition of "broadcasting" to clearly include online undertakings. This clarification around programming under their control has been included to clarify that or to recognize the fact that in some instances now, moving forward, you will have online undertakings that are distributing content generated by other users.

From the government's perspective, striking out the limitation with respect to programming under their control would mean that those undertakings, when they are distributing the content of others, would be responsible for that content even though they may not have played any role necessarily in the editorial control of it.

Thank you, Mr. Chair.

The Chair: Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: I entirely understand the arguments raised by the departmental representatives and my colleague. However, platforms can take many steps to prevent excesses such as those we've previously witnessed.

I think platforms should have a minimum level of responsibility for distributed content, regardless of its source. Even if content is generated by users, the fact remains that platforms must ensure that content generated by their subscribers meets standards.

Consequently, I don't think we're suggesting here that Facebook is entirely responsible for editorial content, but the platforms must nevertheless have some responsibility for that content. We have to

compel them to react quickly and much more significantly than they've recently done.

So the act must be tougher in that respect. That's why we have to ensure that platforms have some responsibility for programming.

[*English*]

The Chair: I see no further discussion, so we will proceed to the vote. Again, I remind everybody that we are voting on amendment BQ-6 in your documents. You've just heard the discussion.

We're going to go to a recorded vote.

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

The Chair: Now, folks, we move on to amendment BQ-7.

Just for your information and with no particular ruling in place, amendments BQ-7, PV-9 and CPC-3 all deal with the same subject. That's just so that you're all aware of that as we deliberate on this particular amendment, BQ-7.

Mr. Champoux.

• (1135)

[*Translation*]

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

The purpose of amendment BQ-7 is simply to add to paragraph 3(1)(i) of the act subparagraph 3(1)(i)(i.1), which reads as follows:

(i) the programming provided by the Canadian broadcasting system should

...

(i.1) recognize and support Canada's linguistic duality by placing significant importance on the creation, production and broadcasting of French language original programs, including those from French linguistic minority communities,

The Chair: Go ahead, Mrs. Bessette.

Mrs. Lyne Bessette (Brome—Missisquoi, Lib.): Thank you, Mr. Chair.

Thanks to Mr. Champoux.

We definitely acknowledge the need to protect francophone content. Amendment BQ-7 is a good addition to the amendments brought by my colleague Mr. Housefather. So we'll be voting for it.

[*English*]

The Chair: Do I see any further discussion?

[*Translation*]

Go ahead, Mr. Rayes.

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

My dear colleague Mr. Champoux and I have two very similar amendments. I was going to move mine afterward.

It would be helpful to introduce a subamendment to what you're proposing. The major difference is that my amendment refers to "original French language productions."

I may be wrong about the words used, but the purpose is to ensure that these are productions that originate here, not just French remakes or francophone content from another country. That could be a good distinction to make.

Wait a minute. Your amendment does refer to "production and broadcasting of French language original programs." My apologies. I just realized my mistake and would like to withdraw what I said.

[*English*]

The Chair: I can assume you're not putting forward a sub-amendment. Okay.

I see no further discussion. Let us now go to a vote on BQ-7.

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

The Chair: Now we go to PV-8.

Mr. Manly, that would be you, sir.

Mr. Paul Manly (Nanaimo—Ladysmith, GP): Thank you, Mr. Chair.

The act states that programming provided by the Canadian broadcasting system should "be drawn from local, regional, national and international sources". This amendment adds language to specify that, at the local level, the system should include programming from community broadcasters specifically.

Community broadcasters should be included because they collaborate with local organizations and community members. They are uniquely positioned to provide varied and comprehensive programming that meets the real needs of different audiences. Community broadcasters are best-suited to meet these criteria compared with other models of production.

This amendment also amends subparagraph 3(1)(i) to replace "men, women and children of all ages" with "people of all ages." Thank you.

• (1140)

The Chair: Seeing no further discussion, we now go to a vote on PV-8.

Shall PV-8 carry?

[*Translation*]

Mr. Alain Rayes: No.

[*English*]

Ms. Julie Dabrusin: Mr. Chair, can we try to use that fancy "on division" thing?

The Chair: Yes. I normally wouldn't go to it unless someone were to say it. I don't want to be the one to suggest it, but maybe since you brought it up....

Mr. Rayes, would you like a recorded vote?

[*Translation*]

Mr. Alain Rayes: Would you repeat the question, Mr. Chair?

[*English*]

The Chair: We decided that there were four ways to vote. Silence would be "carried". You can say "carried on division" or "negated on division", or you can do a recorded vote.

[*Translation*]

Mr. Alain Rayes: Then I would like the amendment to carry on division.

[*English*]

The Chair: Very good.

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

The Chair: We will now go to amendment CPC-2, submitted by Mr. Shields.

Mr. Shields, are you up, sir?

Mr. Martin Shields: You bet. Thank you, Mr. Chair.

I would just like to return this to the original clause that was in the bill we had previously. It would put the word "national" back in. For some reason, "national" was taken out. I propose that we put it back in so that it covers news and current events "from the local and regional to the national and international".

In the original bill that we had on the Broadcasting Act, "national" was in it. In this version, the word "national" is taken out.

The Chair: Thank you.

Mr. Louis.

Mr. Tim Louis (Kitchener—Conestoga, Lib.): Thank you, Mr. Chair.

As a government, we agree with this. It is a good addition to further support local journalism. We heard from many witnesses on the importance of that. We appreciate the amendment and will be supporting it.

The Chair: Is there any further discussion?

Seeing none, we will go to a vote on amendment CPC-2.

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

The Chair: We will now move to amendment PV-9.

Go ahead, Mr. Manly.

Mr. Paul Manly: Thank you, Mr. Chair.

[*Translation*]

This amendment emphasizes the importance of broadcasting and original French-language productions.

[*English*]

The Chair: Madam Bessette.

[*Translation*]

Mrs. Lyne Bessette: Thank you, Mr. Chair.

We've already supported amendments LIB-3 and BQ-7, which are designed to achieve the same purpose as this one. Consequently, we don't think we need to adopt it, but I'd nevertheless like to hear my colleagues' opinions.

The Chair: Go ahead, Mr. Champoux.

Mr. Martin Champoux: I was about to make the same comment. The proposed amendment is not addressing exactly the same thing, but the idea is the same. So I'll leave it to the experts to tell us whether we need to adopt it as well. Personally, I think that we settled this matter in the other amendments that have already been dealt with.

[English]

The Chair: Seeing no further discussion, we will now go to a vote.

Shall amendment PV-9 carry?

Some hon. members: No.

The Chair: We will go to a recorded vote.

Ms. Julie Dabrusin: Can it be negated on division?

The Chair: Once again, I'd just like to remind everyone that if you want to do that, I'd prefer you'd bellow that out from the beginning. I can't make the interpretation on whether you want it to be on division or not.

Go ahead, Ms. Dabrusin.

• (1145)

Ms. Julie Dabrusin: I apologize. Part of the problem is that we're not in the same room. It's a little harder to see what's necessary. That's the only reason. I apologize for the slight delay there.

The Chair: Okay. I'll just be a little bit more patient. I will listen for "negated on division" before I make a judgment. How's that? I'll try to make this move along.

On amendment PV-9, do I hear "negated on division"?

Okay. I hear no one calling for a recorded vote.

(Amendment negated on division [See Minutes of Proceedings])

The Chair: That brings us to amendment CPC-3.

Monsieur Rayes.

[Translation]

Mr. Alain Rayes: Mr. Chair, I think I heard you say earlier that if the Bloc Québécois amendment were to be adopted, amendment CPC-3 would be irrelevant.

[English]

The Chair: I'm sorry, Mr. Rayes. I'm going to have to ask you to repeat it because my audio wasn't the best. Go ahead, please.

[Translation]

Mr. Alain Rayes: Not a problem, Mr. Chair.

A few moments ago, you said that if the Bloc Québécois amendment were adopted, amendment CPC-3 would no longer be necessary.

[English]

The Chair: What happens is that it's dealing with the same subject. It's not necessarily the same, unless I'm wrong. I'm going to turn to Mr. Méla to help me out on this one.

They are dealing with the same subject, Mr. Méla. Do you want to provide a couple more details about the similarities here of BQ-7 and CPC-3?

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

Yes, indeed. I did highlight the fact that BQ-7, PV-9 and CPC-3 were dealing with the same subject matter. Since one was adopted already, I'm not sure if the new one, CPC-3, is needed or not. This is up to the committee to decide.

The Chair: All right. Basically, it is up to us at this point if you want to proceed.

Mr. Rayes, CPC-3 is in your name. You have a choice. You can either move it or not. I'll leave that up to you.

[Translation]

Mr. Alain Rayes: You can't be too careful, as the saying goes. I will therefore move the amendment, even though I believe that it says essentially the same thing as amendment BQ-7, and the committee can decide.

[English]

The Chair: Okay. We'll go back to CPC-3. You all have it in front of you. Let's now proceed with discussion. Would anybody like to discuss?

[Translation]

Ms. Bessette, you have the floor.

Mrs. Lyne Bessette: Thank you, Mr. Chair.

Mr. Rayes, I understand your point that it can't hurt to say it again. However, if everything has been covered in amendment BQ-7, I don't think it's necessary to add what is proposed in amendment CPC-3.

[English]

The Chair: Okay.

Mr. Housefather, go ahead, please.

Mr. Anthony Housefather: Mr. Chair, the same perspective has been emphasized. I think this was covered in the original Bloc Québécois amendment.

I just wanted to point out, Mr. Chair, again clearly a logistical question. What PV-9 was meant to replace after line 7 on page 4 in the previous motion was defeated on division. In my view, that would render this one not even admissible given that its content is identical to what we just defeated in the previous amendment.

I also just mention that for the future, because I think they're two essentially identical amendments in the same place, and once we defeat one, I do believe that the other one at that point is essentially squelched, because we just defeated the exact same content in the same line.

It's for you to consider, Mr. Chair. Otherwise, I'm totally fine to just move to a vote on this.

The Chair: Yes, I will consider it, obviously, but I can't technically rule this out under the normal rules and standards of the committee process, so I have to let it proceed. It's more of a judgment on your part as to whether you feel it is similar or not. I leave that to the committee members to decide, as then you're dealing purely with the content level of it. Normally when I negate other amendments, usually it's a line conflict in which there's a substantial change, enough so that I have to make that ruling. In this case, it is not.

I have to let it proceed, I'm afraid. I understand what you're saying. Content-wise, we're looking at a lot of the same. I had better leave it at that or I'm going to drift into being partial about the content, and I don't want to go there. As your chair, it's not my job.

Mr. Housefather, thanks for that. I appreciate it.

Do I see any further discussion on CPC-3? Shall CPC-3 carry?

• (1150)

Mr. Anthony Housefather: Can I propose that it be negated on division?

(Amendment negated on division [*See Minutes of Proceedings*])

Mr. Paul Manly: Thank you, Mr. Chair.

This amendment again addresses the community element. This amendment adds that Canada's broadcasting policy should enable public participation and public dialogue through the community element. The act states that the public should be exposed to “differing views on matters of public concern” and that assumes a private or public sector model of production in which Canadians are a passive audience to content created by a privileged class of journalists and producers.

The community element enables the direct participation of members of the public on matters of public concern. I'm hoping members of the committee will support this. Thank you.

The Chair: Mr. Manly, you've given me some food for thought here.

Folks, I'm going to have to take 30 seconds for a quick clarification. I'm going to suspend for literally under a minute. There is just one thing I need to clarify with our legislative clerk.

• (1150)

(Pause)

• (1150)

The Chair: [*Technical difficulty—Editor*] and the content of what we are discussing whatsoever. This is basically from our *House of Commons Procedure and Practice*, as you can see here on screen. It does state, on page 770, if you're following along—perhaps you know it by heart—that you have to stay within the principle. It states, “an amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.”

All that being said, what we're talking about here, Mr. Manly, and what you're proposing is.... I get the aspect of being a passive audience over the years, and so on and so forth. The issue of direct participation is one that I had to think upon, because it is through the Canadian broadcasting policy....

This requires a new concept brought in here to the way it is normally done. I could go on for an hour as to how, but I don't have that time. In the opinion of the chair, PV-10 brings forward that new concept and that is beyond the scope of the bill. I'm ruling on the particular procedure as dictated by the rules of the committee. Unfortunately, Mr. Manly, I have to rule this particular amendment out of order.

We now move on to LIB-4. If LIB-4 is adopted, BQ-8 cannot be moved as they are identical. If LIB-4 is negated, so is BQ-8 for the same reason. We're talking about LIB-4, but it's also tied to BQ-8, which normally would follow.

With that being said, we're on LIB-4.

Go ahead, Mr. Housefather.

• (1155)

[*Translation*]

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

I see that I have put forward exactly the same amendment as my colleague Mr. Champoux. We heard the witnesses and moved an amendment to the new paragraph 3(1)(k) proposed in the bill, which is as follows:

(k) a range of broadcasting services in English and in French shall be progressively extended to all Canadians;

This amendment would simply remove the word "progressively". I believe that these services ought not to be offered progressively, but rather immediately, as soon as possible.

[*English*]

The Chair: Do I see any further discussion on LIB-4?

(Amendment agreed to)

The Chair: Take BQ-8 off your schedule, as it cannot be moved.

We now go to PV-11.

Another note is that, if PV-11 is adopted, G-3 and BQ-9 cannot be moved as they are identical. If PV-11 is negated, both G-3 and BQ-9 will be negated as well. By the way, the “G” means it is a government amendment. They are coming up later. Right now we have PV-11.

Go ahead, Mr. Manly.

Mr. Paul Manly: Thank you, Mr. Chair.

As written, the bill only provides for programming undertakings carried on by indigenous persons in Canada's broadcasting policy. This excludes online undertakings. This amendment replaces "programming undertakings" with "broadcasting undertakings" so that online undertakings are included by definition. This amendment was recommended by APTN. I hope people support it.

Thank you.

The Chair: Do I see any further discussion?

Go ahead, Ms. Ien.

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

I wanted to thank my honourable colleague for putting this amendment forward. We heard from several witnesses on this, including APTN as he pointed out, and I am in full support of this.

The Chair: Seeing no further discussion, shall PV-11 carry?

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

The Chair: As I mentioned earlier, that takes out G-3 as well as BQ-9, as they are identical.

We now move on to PV-12, Mr. Manly.

I'm sorry, Mr. Rayes. I just saw your hand up.

Mr. Manly, I have to go to Mr. Rayes first.

[*Translation*]

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

Would the committee agree to a short three- or four-minute health break after which work could resume immediately? It would simply be a brief pause to go and fetch something to drink or to go to the bathroom.

[*English*]

The Chair: That's a valid point, Mr. Rayes, maybe one that eluded me at the beginning. I should have brought that up. Thank you for putting me back on the right track.

Do I see any objections to using the washroom?

Mr. Manly.

• (1200)

Mr. Paul Manly: I want to note that I have to reboot my computer. You can see the problem going on with my screen. I need to clear this up. I'm having some issues.

The Chair: Yes. At times it seems like the land rover on the planet Mars has better reception than yours. That's no reflection on your abilities. Nevertheless, hopefully we will get it fixed.

Mr. Paul Manly: Thanks. I will be right back.

The Chair: We're going to suspend, folks, for five minutes or less, please.

• (1200)

_____ (Pause) _____

• (1205)

The Chair: We're going to pick up right where we left off.

We are now going into PV-12.

Go ahead, Mr. Manly. Your reception is much better. Welcome back.

Mr. Paul Manly: Yes, it cleaned right up. I have been having problems with this computer. Thank you, Mr. Chair.

This amendment carries on with the theme that I have about community media. This amendment adds that Canada's broadcasting policy should not only include programming carried on by indigenous persons but also by indigenous community media. It recognizes that indigenous persons and indigenous community media are uniquely positioned to serve indigenous communities. Indigenous community media is an important component of programming that reflects indigenous cultures in Canada. Community media have a lower-cost structure and work to preserve indigenous languages, tell indigenous stories and equip indigenous youth and community members of all ages and digital skills.

I'll note that I was a co-producer on the first preschool show on APTN when it launched. I did 64 episodes of that program in post-production. Many of the people who worked on that programming came out of community media, out of the non-profit world, where they were trained and gained skills and developed careers and went on into the mainstream broadcasting world. It's a really important training ground and a place for cultural expression and identity.

I hope that people will support this amendment as well. Thank you.

The Chair: Mr. Louis.

Mr. Tim Louis: Thank you, Mr. Chair.

I want to commend my colleague for bringing this amendment forward. Though we support the principle of it, my concern is, where do we stop? We want to make sure that this legislation is inclusive and broad, and that the policy and framework enables everyone to be included, but creating small amendments that include some could come at the expense of excluding others.

We don't see the need to have this as a defining portion of the bill, but I'd love to hear further discussion.

The Chair: Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I agree with saying that indigenous programming in indigenous languages should be available not only to indigenous populations, but also to the population of Canada in general. I do indeed believe that this would be beneficial for everyone.

I would nevertheless like to ask the legislative clerks or the department's representatives a question. The last portion of the amendment strikes me as superfluous. I'd like to know whether or not it has an impact. If it doesn't, then it wouldn't change anything.

The amendment says, "which are uniquely positioned to serve smaller, remote and urban Indigenous communities". Perhaps this is the phrase to which Mr. Louis was alluding when he said that we might get the impression that the amendment excludes other types of media, whether community or otherwise.

I would therefore like to know whether this short sentence fragment has a particular meaning, or whether it's merely symbolic.

• (1210)

[*English*]

The Chair: Mr. Champoux, would you like to go to the Canadian Heritage staff, or were you talking to Mr. Louis?

[*Translation*]

Mr. Martin Champoux: I'd like an official from the department to answer my question.

[*English*]

The Chair: You'd like to hear from the department.

Who from the department would like to take this?

We'll go to Mr. Ripley.

[*Translation*]

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

Thank you for your question, Mr. Champoux.

The current act does not define the value of each component of the broadcasting system. It's made up of private elements, public elements, including CBC/Radio-Canada, Télé-Québec and the Knowledge Network, in addition to some community elements. However, the value of each component is not necessarily defined. It refers to the broadcasting system, broadly speaking, and identifies the objectives to be pursued and the requirements to be met by programming. Nowhere does it specify the roles to be played respectively by the private, public, and community sectors.

[*English*]

The Chair: Mr. Housefather.

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

I have a short question for the department officials. I've noted in this amendment the term "Indigenous community media". I don't believe these terms appear anywhere or are defined anywhere in the act.

What are the ramifications of that, given that we're using terms that are different from "programming" or "broadcasting undertakings", which seem to be the terms we're using everywhere else?

Mr. Thomas Owen Ripley: You're correct. The term "community media" is not defined.

The question for the committee, if it wishes to support the amendment, is whether something like "broadcasting undertakings"

might be more appropriate and more aligned with the overall terminology of the act.

The Chair: Mr. Manly.

Mr. Paul Manly: I thought we had already defined "community media" at the PV-1 level. We agreed to add "community media" to the definition.

If we want to take out the words "Indigenous community media", because community media is important in small communities.... Northern and remote communities are where cultural expression is expanded upon, where you get elders on television speaking in their indigenous language, and where young children are watching and tuned in to their own culture and traditions.

Supporting this is important. It's important for the government, as part of its reconciliation process, to ensure there are adequate resources for sharing culture and for cultural revitalization, after a long history of cultural destruction of indigenous peoples.

If you want to have a subamendment to take out the word "Indigenous", so that it's just "and community media, which are uniquely positioned to serve smaller, remote and urban Indigenous communities", I would be amenable to that.

The Chair: Mr. Rayes.

[*Translation*]

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

I have a question for the officials.

I believe that the term "community media" is extremely important. Mr. Housefather said that it wasn't used anywhere, but if it's necessary, I would prefer to keep it. I'm not challenging the use of the word "indigenous", which Mr. Manly wanted to use in his amendment, but I think that the term "community media" should be kept, provided that it's defined in the act.

Could the officials tell us whether this is doable?

• (1215)

[*English*]

The Chair: We'll go to the department, Mr. Ripley.

[*Translation*]

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

From what I understood of our work last Friday, the term that was defined was "community element". I would just like to point out that the term "media" is not defined anywhere in the act. If we wish to use the broader term, we use "broadcasting undertaking", which includes online undertakings, broadcasters and cable operators. If the committee wants to use the term "community media", then it needs to know that it is not defined in the act. The definition provided in the amendment that was adopted, if I recall correctly, is for "community element".

[*English*]

Mr. Paul Manly: Could I propose an amendment?

It would read, “carried on by Indigenous persons through the community element, which is uniquely positioned to serve smaller, remote and urban communities.”

The Chair: Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: If I'm not mistaken, you can't amend your own amendment. I would therefore move a subamendment to Mr. Manly's motion. I just want to make sure beforehand that the meaning of the idea being conveyed is clear.

In view of what Mr. Ripley said earlier, I would suggest that the wording should end with, "through programming undertakings operated by Indigenous persons and community elements".

Do you think that this subamendment is acceptable?

[*English*]

The Chair: Yes, that's where I was going with that. Thank you for filling that in.

Mr. Manly, I think this is put back to you at this point.

Are you moving a subamendment, Mr. Champoux, or you seek clarification from Mr. Manly first before you do that?

[*Translation*]

Mr. Martin Champoux: I want to make sure that the subamendment I am suggesting is consistent with what Mr. Manly had in mind in moving his amendment.

[*English*]

The Chair: Okay, I'll allow that.

Mr. Paul Manly: That works for me. I appreciate that. We don't need to go further into the “uniquely positioned” part because I think that is understood.

The Chair: Mr. Champoux, for the sake of our legislative clerk, can you repeat yourself, please?

[*Translation*]

Mr. Martin Champoux: Mr. Chair, would you like me to read the whole thing, including the subamendment, or just the end portion?

[*English*]

The Chair: Actually, could you just tell us what your subamendment is? We'll do that for now.

[*Translation*]

Mr. Martin Champoux: Okay.

So the subamendment would delete the wording from "Indigenous community media" until the end, and replace it with "and community elements".

[*English*]

The Chair: Does this bear repeating, or is everyone okay with what was proposed? It's not a big change.

Can I just leave it as what Mr. Champoux explained?

I think that is sufficient. Would there be any further discussion on the subamendment from Mr. Champoux regarding amendment PV-12?

Seeing no further discussion we will go to a vote.

(Subamendment agreed to)

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

The Chair: Now we'll move on to PV-13

Mr. Manly.

• (1220)

Mr. Paul Manly: Thank you, Mr. Chair.

This amendment adds that persons with disabilities should have adequate resources to develop their own community media, and that persons with disabilities can adapt technology and obtain technological support through community media.

Again, you shouldn't be surprised that I do have experience in this area. I've trained people of all kinds of different abilities to work in media, including working with deaf people. I trained them in video production and actually witnessed somebody who is deaf creating a soundtrack by working with vibrations. Just an interesting note, when we did the premiere of that film, he gave everybody a balloon and we listened to the soundtrack through the vibration of the balloon. That's how he learned to go to movies as a child. He happened to go to a movie after a fair, with a balloon in his hand, and that's how he translated the intensity of the sound in the theatre.

With the right kind of technologies, we can have more participation in media by people with diverse abilities. I hope people will consider this, but I do have a little pink note on the side that the chair is going to be talking about this amendment as well.

The Chair: Yes, indeed, you're rather prescient.

Again, I said it earlier and I will say it to you now. Given the subject matter and the story you just told, which is a fantastic one, please don't take this in the wrong way, but unfortunately we have to rule this out of order.

This one is a little more straightforward. Actually, it's straight down the middle as to why I cannot...and again, I'll refer back to our rule book that we use here. Specific programming resources to allow for persons with disabilities to develop their own community media is what you're talking about here. Again—no reflection on that—it requires what we call a royal recommendation, and it requires essentially new spending.

The rule book states:

Since an amendment may not infringe upon the financial initiative of the Crown [which is the government or the executive], it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.

The amendment that you bring forward, known as PV-13, is a new concept that appears to require a royal recommendation and is not talked about in the original bill. Therefore, I have to rule this amendment to be inadmissible, but I thoroughly enjoyed the story you brought to it.

Thank you, Mr. Manly.

We will now go to amendment PV-14. Mr. Manly, you are up again.

Mr. Paul Manly: Thank you. I'm on a bit of a roll here.

The purpose of this amendment is to describe the role of the community elements in Canada's broadcasting policy. This amendment replaces the description for "alternative television programming services" in the broadcasting policy section of the act with "community elements".

Very few alternative programming services of the type described in the act actually exist, and the section is never actionable or used in policy-making, yet the description almost exactly fits what the community elements do, so I am hoping that members of the committee will consider this.

Thank you.

The Chair: Do I see any discussion?

Mr. Housefather.

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

While I appreciate defining the role of the community elements, which I think is what Mr. Manly is trying to do here, I would point out that I don't believe that the act or the bill actually define any of the elements of the broadcasting system, whether public, private or community. There are some elements in here... For example, in subparagraph 3(1)(q)(iv), we're talking about "non-profit participative structures", but we, in the definition of "community element", removed the term "non-profit".

I would just like to ask the officials what their sense is of how this would intertwine with the rest of the bill and whether they have any comments about it.

Thank you.

The Chair: I am just looking to the department for who would like to....

Ms. Tsui, you have the floor.

Ms. Kathy Tsui (Manager, Industry and Social Policy, Broadcasting, Copyright and Creative Marketplace Branch, Department of Canadian Heritage): Yes, that's correct. We spoke about the concern about "non-profit" on Friday. You're absolutely right. In no place in the act does the act provide a definition or define a role for any of the elements of the broadcasting system. You're right that the roles of the private element, the public element and the community element are left undefined.

The non-profit element we discussed. The community element of the broadcasting system does include some for-profit organizations, so this would be a significant change to the act.

• (1225)

The Chair: Mr. Housefather.

Mr. Anthony Housefather: I just have one additional question for the officials.

With respect to proposed subparagraph 3(1)(q)(v), "be made available throughout Canada through all platforms available",

would this impose a requirement on companies that simply distribute to include community programming? Does this mean that it would be an obligation on everything? I don't even know how we could impose that.

Ms. Kathy Tsui: The term "platform" is also not defined in the act, so we are left unsure about how to interpret proposed subparagraph 3(1)(q)(v).

It's not clear to me whether this means all platforms, as in any kind of broadcasting undertaking that provides a distribution service, or if this is to refer to any type of platform. Is this meant to mean that community broadcasting should be made available online, over satellite systems, over cable systems? That part of the definition is unclear.

Ms. Heather McPherson: I just wanted to check with you, Mr. Chair. Assuming that we vote on PV-14, does that mean that NDP-8 would be withdrawn and/or taken away?

The Chair: No.

Ms. Heather McPherson: Okay.

The Chair: Go ahead, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I would not presume to question your answer to Ms. McPherson, but this amendment is very similar and appears to address the same content in the act. Amendment NDP-8 looks to me like a copy and paste operation from the amendment we are currently discussing.

[*English*]

The Chair: Our ruling is no. It's not, entirely. I understand where you're coming from. I truly appreciate it. This is one of those times where I use the expression "we're dancing on the head of the pin". Nevertheless, as we move on I should be able to provide some more information on that.

Mr. Housefather.

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

In culmination of my previous questions, I'm going to vote against because I find a lot of uncertainty is introduced by this amendment. I do believe this would make NDP-8 almost impossible to introduce because of the conflictual terms. I don't know how you would reconcile the two because some things are different and some are the same and written differently.

I'm going to vote against.

Mr. Paul Manly: I would be open to subamendments to this because I do understand that the word "non-profit" needs to be removed, because we have already discussed that with earlier amendments. I could see how proposed subparagraph 3(1)(q)(v) would be problematic, but I'm hoping there are parts of this that the committee does see as worthy.

The Chair: We are still on PV-14, folks.

Seeing no discussion, I'm going to call for a vote on PV-14.

(Amendment negated: nays 11; yeas 0 [*See Minutes of Proceedings*])

The Chair: We are on PV-15.

Mr. Manly.

• (1230)

Mr. Paul Manly: Thank you, Mr. Chair.

This amendment adds that programming provided through community elements should be made available for archival purposes to Library and Archives of Canada as well as local cultural institutions that represent public interest.

Archiving community programming is very important. Forty years of audiovisual archives for over 200 communities have been destroyed since 1991, where there is no other audiovisual record.

I have seen this happen personally without any notification when Shaw took over for Rogers in Victoria. I was over working in Vancouver after doing hours and weeks of programming. It all just went to the landfill. Parts of that were really important chunks of the community record, which had been documented. People were looking for that years later and they were nowhere to be found.

I have a little pink note on this one as well. I have talked to ministry officials about maybe other avenues for dealing with this. I will let you bring up that pink note that I have.

The Chair: You seem to be catching on quite well, Mr. Manly, to how this works.

Indeed, I have to make a ruling on this one. I want to point this out to members.

This, of course, is specific to the passage in PV-15 that says, “made available to the Library and Archives of Canada for archival purposes and to local cultural”.

It turns out that “be made available to [the public through archival means such as] the Library and Archives of Canada” is an amendment that would go beyond the scope of the bill. Again, I refer back to the parent bill, which doesn’t provide for that. Therefore, according to our rules and regulations, it’s beyond the scope and it certainly is beyond the principle of the bill to proceed any further on PV-15. It does propose a new concept that is beyond the scope, similar to rulings in the past.

Unfortunately, I have to rule that to be inadmissible. That being said, I have to call my dear friend over—the legislative clerk.

Clerk, could I suspend for one minute or less just to clarify one thing?

• (1230)

(Pause)

• (1235)

The Chair: Thank you. We’re back.

I was just seeking some clarification, folks. Thank you for being patient. That, of course, was PV-15, which we ruled inadmissible.

We now go on to BQ-10.

Mr. Champoux.

[*Translation*]

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

With amendment BQ-10, we want to make sure that online undertakings that provide programming services from other broadcasting undertakings should ensure their discoverability. We therefore want Canadian programming services, original Canadian content, and French-language original content, to be promoted and discoverable in an equitable proportion compared to anglophone and foreign content. We also want to ensure that reasonable terms are provided for the carriage, packaging and retailing of those programming services provided to online undertakings by other broadcasting undertakings under contractual arrangements.

We want to give our industry this additional assurance.

[*English*]

The Chair: Okay.

Mr. Shields.

Mr. Martin Shields: Thank you.

For clarification, when you have the words “equitable proportion”, can you define what you mean, Mr. Champoux?

The Chair: How about we go to Mr. Champoux first, and then we’ll go to Ms. Ien.

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: As for the expression “in an equitable proportion”, what we wish to maintain here is the proportion in which we will generally make way for francophone content and original content. I believe that it’s simply a reference to what will be determined as an equitable proportion within the overall application of the act.

Mr. Méla could perhaps give us more details about the subtleties of the language, but that at least is what I understand it to mean.

[*English*]

The Chair: Ms. Ien, thank you for your patience.

We’re going to Mr. Méla first, since the question was put to him, and then we’ll go to Ms. Ien.

Mr. Méla, are you there?

Mr. Philippe Méla: I am.

[*Translation*]

Could Mr. Champoux repeat the question? I’m not sure that I understood.

Mr. Martin Champoux: Certainly.

Mr. Shields Was asking for details about the equitable proportion concept for original Canadian content, including French language original content.

I told Mr. Shields that the equitable proportion concept was related to what would be considered in the application of the act to be equitable proportions for Canadian content and francophone content.

Is this a satisfactory answer to the question?

[English]

The Chair: Mr. Méla.

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

[Translation]

I'm a legislative clerk, and questions about content and the interpretation thereof should be addressed instead to departmental officials.

[English]

The Chair: Indeed.

I'm looking for a volunteer from the department on this particular issue. I just need a show of hands of who would like to speak.

Mr. Smith.

Mr. Patrick Smith (Senior Analyst, Marketplace and Legislative Policy, Department of Canadian Heritage): Thank you, Mr. Chair.

I just want to get clarity on the specific portion we're discussing, so it's the part of subparagraph 3(1)(q)(i) that reads "in an equitable proportion, and"? Is that what we're discussing?

The Chair: Yes, it is.

Mr. Patrick Smith: Okay.

To a certain degree this will be interpreted by the CRTC. It's not a defined term. It's not indicated elsewhere in the act. It would be up for interpretation by the commission.

The Chair: Okay.

I'm now going to go to Ms. Ien. Thank you for your patience.

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

I appreciate Mr. Champoux pinpointing discoverability, among other things, in this amendment.

I'm wondering if we might propose a subamendment to delete subparagraph (ii), because that seems to be the biggest issue here, "when programming services are supplied to them by other broadcasting undertakings", and so forth?

The Chair: Just so I'm clear before I go to Mr. Champoux, under proposed subparagraphs 3(1)(q)(i) and 3(1)(q)(ii), you want to eliminate (ii) in its entirety? Is that good, Ms. Ien?

Ms. Marci Ien: This seems to be the issue, yes.

The Chair: That would be your subamendment.

Ms. Marci Ien: That's correct.

The Chair: Now we're on the subamendment. I'll going to Mr. Champoux and then Mr. Housefather.

Mr. Champoux.

• (1240)

[Translation]

Mr. Martin Champoux: This provision has not yet generated any discussion. To my knowledge, it has not been identified as

problematic, but I'd be curious to hear Ms. Ien's arguments on this subject.

First of all, I'd like to return to what Mr. Smith said just now. I want to be sure about how things have been understood or might be understood with respect to the concept of equitable proportion. What we really want is adequate and satisfactory visibility for Canadian content and francophone content on online platforms. That's what we had in mind when we drafted this amendment.

So I want to make sure that I understand it. According to the department, even though it is the CRTC that will interpret the act, will it be understood the way we intended?

[English]

The Chair: I think the question was put to Mr. Smith, first, from the department, and then I'm going to follow that with Mr. Housefather.

Mr. Smith.

Mr. Patrick Smith: To answer the question, I agree with Mr. Champoux's statement that it's something that the act is striving towards and something that is obviously reflected in several other objectives of the act, as moved by the members of the committee on Friday, and today as well. The specific wording "in an equitable proportion" is something to be determined by the commission.

I'm not sure what else I could add to that question.

The Chair: Mr. Housefather.

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

I know I'm supposed to speak to Ms. Ien's subamendment, but I actually have a question, if it's okay.

[Translation]

I'm in agreement with what Mr. Champoux is trying to do with the new subparagraph 3(1)(q)(i).

[English]

I guess my real question for the department is that I'm not sure this amendment is in the right place in the act. Shouldn't these issues be dealt with under the order- and regulation-making powers of the commission, in which case, maybe Monsieur Champoux would be better placed to try to amend G-8 or G-9, which are coming up later?

If we wanted to achieve this, what would be the best place in the act to include, for example, proposed paragraph 3(1)(q) and proposed subparagraph 3(1)(q)(i)?

The Chair: Mr. Champoux—

[Translation]

Mr. Anthony Housefather: Mr. Chair, my question is for the officials.

[English]

The Chair: I'm sorry.

Can I go to the department? Mr. Smith, am I returning to you again?

Mr. Patrick Smith: I think Mr. Ripley would like to answer this question.

[*Translation*]

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

There are indeed several objectives that address the importance of Canadian programming and French language programming, including original programs. It would appear that certain items in the amendment that has been put forward are instead addressing the tools that should be used to achieve these objectives. For example, conditions and the requirement for undertakings to ensure content discoverability were mentioned.

So it's likely that it would be through a CRTC order or CRTC regulations that these requirements would be imposed on broadcasters.

Mr. Martin Champoux: I would just like to say that proposed subparagraph 3(1)(q)(ii) is meant to reflect paragraph 5(2)(a)(1) in subclause 4(1) of Bill C-10, which says that the CRTC must be fair and equitable in regulating as between broadcasting undertakings.

So I think that it's altogether consistent to place it in that location as well.

[*English*]

The Chair: Just so that everyone is still aware, we're at the subamendment as proposed by Ms. Ien. Straightforward, as part of the subamendment, she proposes to eliminate proposed subparagraph 3(1)(q)(ii).

Seeing no further conversation, we'll go to the vote.

• (1245)

Mr. Philippe Méla: Mr. Chair—

The Chair: Mr. Méla has interrupted me, most likely for a very good reason.

Mr. Philippe Méla: You can determine whether or not it's a good reason, but thank you.

I just want to point out that if the subamendment is adopted, there will be a problem with the French version. There would be a problem altogether, but more likely with the French version.

[*Translation*]

The French version would say "radiodiffusion devraient à la fois".

[*English*]

That includes (i) and (ii). Since you eliminate number (ii), you need to remove "à la fois".

Then you would need to remove the "(i)" in English and French.

[*Translation*]

The wording would therefore be as follows: "...radiodiffusion devraient assurer la découvrabilité des services...".

[*English*]

In English, it would be "undertakings should ensure", and then the "(ii)" would go as well.

This is just to make sure we do this part at the same time, if it were the case that the amendment were adopted as amended.

The Chair: Ms. Dabrusin.

Ms. Julie Dabrusin: Thank you.

Because I've heard the conversation going back and forth, I want to clarify that we have from the department the answer about the "terms for the carriage" part of proposed subparagraph 3(1)(q)(ii) and whether that presents any challenges.

Mr. Patrick Smith: Thank you, Mr. Chair.

With respect to proposed subparagraph 3(1)(q)(ii), this is a fairly heavy requirement that would involve some intervention from the commission with respect to the packages, contractual arrangements and terms of carriage. If the committee is in support of an approach that would allow that, then it should be aware that this is what would come with proposed subparagraph (ii) as well.

The Chair: Okay.

To recap, as Mr. Méla, our legislative clerk, pointed out, eliminating proposed subparagraph 3(1)(q)(ii) in the English version would require changes to both proposed subparagraph (i) and proposed subparagraph (ii) in the French translation.

Mr. Méla, did I get that correct?

Mr. Philippe Méla: Yes, Mr. Chair.

I can recap, if you want, to show what the changes would be.

The Chair: Yes, please.

I'll get Mr. Méla to recap, and then we can go to a vote if there's no further discussion.

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

In French, we would have to remove "à la fois".

[*Translation*]

So there would be the words "radiodiffusion devraient".

[*English*]

We would remove "à la fois" and the full colon there. Then we would remove the "(i)" and the sentence would be one sentence.

[*Translation*]

And it would read as follows: "...radiodiffusion devraient assurer la découvrabilité des services...".

[*English*]

Then, in English, we would have to remove "(i)", so that it would all flow as "undertakings should ensure". Then, at the end, we should remove the "and" because there is no subparagraph (ii) anymore. The "and" would no longer apply at the end of subparagraph (i).

The Chair: Now you have the language cleaned up, but the intent is still the same.

Ms. Ien, I don't see any outright objection from you. I'm assuming you're okay with the explanation as put forward by Mr. Méla for your subamendment.

Seeing no further discussion, we now go to a vote on the subamendment of BQ-10 from Ms. Ien.

(Subamendment negated: nays 6; yeas 5)

The Chair: We now go back to the main motion. This is the main amendment, BQ-10.

Mr. Housefather.

● (1250)

Mr. Anthony Housefather: Mr. Chair, I think this is an amendment where a lot of these things are reasonable. I repeat that I don't think this is in the right place in the act. I also have one more question, which is with respect to the way the proposed paragraph 3(1)(q) is now worded. It says:

(q) online undertakings that provide the programming services of other broadcasting undertakings should

(i) ensure the discoverability

Does that not then lead to only online undertakings having this obligation and not other broadcasting undertakings? I'd like to ask the department, because I'm very confused about that wording. I don't think it creates an equilibrium anymore.

Mr. Patrick Smith: Thank you, Mr. Chair.

Thank you for the question, Mr. Housefather. You are correct. Currently in proposed section 9.1, which I'm sure we'll get to in a couple of days, there is a condition of service power relating directly to discoverability, and this is not circumscribed to any particular types of broadcasting undertakings. Therefore, introducing this objective in section 3 of the act could create a perceived conflict between those two sections.

Ms. Julie Dabrusin: I have another question for the department, which is whether this amendment poses any trade concerns and what they would be.

Mr. Thomas Owen Ripley: Thank you for the question, Ms. Dabrusin. I think I would reiterate the point that Mr. Smith made earlier. Proposed subparagraph 3(1)(q)(ii) indicates that the government's intention here is that, generally, in contractual arrangements between online undertakings and other programming services that they're distributing, the CRTC would play a very active role in the economic regulation of those contractual relationships.

Our understanding would be that there's not to be a heavy reliance on market forces, but that the CRTC would play a role with an active supervision of those contractual relationships. It's fair to say that, for certain online undertakings, their business model is obviously very much weighted towards free market forces and they would certainly have concerns, it's fair to say, about the CRTC being empowered to play that active role in the regulation of their contractual relationships.

The Chair: Thank you.

Seeing no further discussion, we'll have a vote on the main amendment, which is BQ-10.

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

The Chair: We have BQ-11.

● (1255)

[*Translation*]

Mr. Champoux, you have the floor.

Mr. Martin Champoux: Mr. Chair, once again, we are here trying to promote Canadian programming in both official languages and in indigenous languages, and to make sure that the various ways of controlling programming will generate results that enhance its discoverability.

I think that it's an important addition, particularly if we want to place an emphasis on the discoverability of our content.

[*English*]

The Chair: Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: It might be just my reading of the wording, but I'm a little unclear as to whether what is being suggested by this amendment is the promotion of Canadian programming or that the programs themselves should be in both official languages as well as in indigenous languages.

I am just wondering if maybe the department can clarify what the wording would do.

The Chair: I am looking for someone from the department to answer.

Go ahead, Mr. Smith.

Mr. Patrick Smith: Thank you, Mr. Chair.

Could I please have the language of the amendment again?

The Chair: Do you want the actual amendment read to you?

Mr. Patrick Smith: Yes, please.

The Chair: Okay. Here is the English version of BQ-11. It is that Bill C-10, in clause 2, be amended by adding after line 26 on page 4 the following:

(q) online undertakings must clearly promote and recommend Canadian programming, in both official languages as well as Indigenous languages, and ensure that any means of control of the programming generates results allowing its discovery; and

Mr. Patrick Smith: Thank you, Mr. Chair.

I guess there are a couple of things relating to this, perhaps just relating to the way in which the words are presented. It's whether the requirement being imposed is that the promotion itself and the recommendations themselves be done in both official languages as well as indigenous languages, and then whether this is related more towards a discoverability requirement, as we discussed earlier. I guess I'm having a bit of a hard time following the intent of the amendment as well.

[*Translation*]

Mr. Martin Champoux: Thank you for allowing me to explain the intent.

Through regulation, there would be obligations to present original Canadian content and original francophone content on platforms. We also have to make sure that the undertakings do promotion. For example, if you have subscribed to streaming services, you will probably occasionally receive emails suggesting audio or audiovisual material that you might be tempted to download or listen to. I want to make sure that in these promotional efforts by on-line undertakings and distributors there will still be visibility for our content.

That's the intent of this amendment. I want Spotify and Apple Music to send content recommendations to our Canadian and Quebec artists.

[*English*]

The Chair: We have Mr. Shields.

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

When we have the word “clearly” in here, I am going to ask the staff if this in a sense is then leaving it to the commission to determine and define “clearly”. I can understand what “promote” means, but when we put “clearly” in there, to the staff, how would you interpret this? Is the commission going to interpret what “clearly” means?

The Chair: By “staff”, do you mean the department?

Mr. Martin Shields: Yes.

The Chair: From the department, I am looking for a volunteer. Mr. Smith?

I'm sorry, Mr. Olsen. I'll let you decide.

Mr. Drew Olsen (Senior Director, Marketplace and Legislative Policy, Department of Canadian Heritage): Thank you, Mr. Chairman.

Thank you, Mr. Shields.

Yes, that would be my interpretation. It would be up to the CRTC to determine what is “clearly” promoting and recommending.

• (1300)

The Chair: All right. Seeing no further discussion on BQ-11, we will now go to a vote.

Shall BQ-11 carry?

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

The Chair: Folks, we're over time by one minute. I think we're drawing to a conclusion unless you all want to continue, and by the looks of all these faces and squares, I get the feeling you don't.

Therefore, we'll pick up again on Friday. By the way, we're going to seek out another three-hour time slot for Friday, similar to last Friday. If that doesn't work out, we'll let you know, but we're going to seek out three hours as we did before. I'm assuming there will be

no objections to that. When we pick up, we will go to NDP-8 on page 6 on Friday.

Are there any further comments?

[*Translation*]

Mr. Alain Rayes: I have a question, Mr. Chair.

The Chair: Go ahead, Mr. Rayes.

Mr. Alain Rayes: Can you explain what you just said? You said you wanted to have a three-hour meeting. But last week, the meeting began at 12:30 p.m. and ended at 4:00 p.m. The meeting therefore lasted three and a half hours. Are you saying that the meeting will begin at 1:00 p.m. and end at 4:00 p.m.?

Personally, that's what I would like. I believe that three hours is enough.

[*English*]

The Chair: I was thinking a 12:30 p.m. start, but if you want to go from 1:00 p.m. to 4:30 p.m....

Mr. Martin Shields: That's three and a half hours.

The Chair: Yes, it was three and a half hours, because we went up to four o'clock. We went from 12:30 p.m. to 4:00 p.m. I can't recall if there is.... I'm going to ask Aimée to help me out on this one, because I can't remember if four o'clock was a cut-off for technical reasons.

Mr. Rayes, go ahead.

[*Translation*]

Mr. Alain Rayes: Last Friday, the meeting lasted three and a half hours, not three hours. The meeting ran from 12:30 p.m. to 4:00 p.m.

You mentioned just now that you were going to hold a three-hour meeting next Friday. Personally, that's what I would like, and I'll explain why. Because question period comes right before our meeting, it doesn't leave us very much time to have a little something to eat. It's important to eat at lunchtime after all. I think that it would be appropriate for the meeting to last three hours, meaning 1:00 p.m. to 4:00 p.m. and not 12:30 p.m. to 4:00 p.m.

[*English*]

The Chair: Yes, I'm sorry. I confused the three and a half hours with the three. That's on me. You have my apologies.

I have a proposal from one o'clock to four o'clock. Do I see any dissension among the ranks? No.

How about we try for one o'clock to four o'clock, and if it doesn't work, I'll email an alternative. It's one o'clock to four o'clock eastern time—I should clarify that always—for this coming Friday to resume clause-by-clause on Bill C-10.

We'll see you on Friday, hopefully at one o'clock eastern.

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