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Chair

Mr. Gary Schellenberger

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•(1635)

[English]

The Acting Chair (Mr. Gary Schellenberger (Perth—Wellington, , CPC)): Order, please.

Just before you leave, Mr. Scott—

Hon. Andy Scott (Fredericton, Lib.): I'm not going anywhere. I'm amazed that we've talked for over a year and a half and couldn't get this done. One day should get this done.

The Chair: There you are.

I will now ask Mr. Bélanger if he'd like to speak to the subject.

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Thank you, Mr. Chairman.

I wanted to bring up a matter that has been brought to my attention today, the newspaper article related to Bill C-10 that is currently before the Senate, I believe in third reading. I gather it is a budget implementation bill that contains a variety of matters, including changes to the Income Tax Act that would result from an announcement made on November 14, 2003—and I quote from Bill C-10—“to simplify and better target the tax incentives for certified Canadian films”.

The article in today's paper—and I would quote portions of it—is what causes some concern. This is *The Globe and Mail* on page 1, and I'm quoting from that article: “A spokesman for the Heritage Ministry last night confirmed the change.” That means the change that the—and I'll quote the title of the article—“Tories plan to withhold funding for 'offensive' productions”.

Then the article after that says—and I'm quoting it:

“Bill C-10, currently at third reading in the Senate, contains an amendment to the Income Tax Act which would allow the Minister of Canadian Heritage to deny eligibility to tax credits of productions determined to be contrary to public policy,” Charles Drouin, spokesman for Canadian Heritage said in a statement.

Continuing on:

Upon royal assent of C-10, the Department of Canadian Heritage plans to update the eligibility requirements for the [Canadian Film or Video Production Tax Credit] program. He said the department "has recently standardized and updated the list of illegal and other ineligible content."

Mr. Chairman, I've read the announcement and the background to the announcement of November 14, 2003, from the then Deputy Prime Minister and Minister of Finance, John Manley, and from the Minister of Canadian Heritage, Sheila Copps. It deals with technical matters of credits that can be claimed for these productions, percentages for raising the labour expenditures that can be claimed from 48% to 60%, and the nature of that labour expenditure.

So it's essentially a technical matter, and it doesn't deal, that I can tell, with any matters that some people would believe might be akin to censorship in terms of the nature of the productions or the content of the productions other than Canadian content and so forth.

I don't see that Bill C-10 does that. It doesn't give the government the capacity to do that. That's a matter, Mr. Chairman, that I think we need to clarify. I wanted to bring this up today to ask Mr. Abbott, as the Parliamentary Secretary to the Minister of Canadian Heritage, indeed what the intention is, if there's any intention of the government to introduce any regulations or to change any definitions that would indeed do what the article affirms. I think we need, as a committee, to address that. I, for one, would have significant problems regardless of who's in government if that were indeed the outcome of such amendments to the Income Tax Act.

The Chair: Thank you.

Mr. Abbott.

Hon. Jim Abbott (Kootenay—Columbia, CPC): Mr. Chairman, I welcome the opportunity to address this issue. It's always interesting to read newspaper articles where people from the heritage ministry are quoted saying one thing, and then, somehow, somebody else comments who doesn't necessarily have any knowledge of what's going on and has no connection whatsoever with the government, and then ends up speculating on the comments of the heritage official. It becomes kind of a mixed bag.

I think it's important to take a look at Bill C-10 from the point of view of its history and understand why it is the way it is. It basically started in a budget announcement in 1999 under the then Chrétien Liberals. A number of other ways and means motions were brought forward that never actually came to fruition until, as Mr. Bélanger has indicated, sometime in 2003. It then carried on and was reintroduced in the Paul Martin government, fundamentally unchanged. It was picked up by our government and was then run through. I think it's very important to note that this was run through the House of Commons with all-party support, so we all had an opportunity to take a look at this.

With respect to the clause that is of concern to Mr. Bélanger, I'd note that the original legislation was introduced by John Manley at Sheila Coppins' request, and you wonder why. Well, the move, which she wanted, was sparked by a request for tax credits on a film based on the Paul Bernardo story, and the minister didn't have the ability to deny the credit. There are times in Canada when we have to trust our government, be it a Liberal government, a Conservative government, whatever government. There are times when the ministers of the crown have a responsibility to the people of Canada to make some decisions that may be censorship. Censoring the potential of public money going to a Paul Bernardo film is something that I would have absolutely no difficulty whatsoever in justifying. As a matter of fact, I would have difficulty in justifying Canadian taxpayers' money going to such a film.

So it was on that basis that the Liberals originally decided this was going to be part of this bill, and it's something on which I would hope there wouldn't be any difference in Canadians' minds in terms of the level of responsibility that a Liberal Minister of Canadian Heritage would show over a Conservative Minister of Canadian Heritage. In other words, the law is the law, and there is a responsibility on the part of the government, representing the people of Canada and the values of the people of Canada, for a minister to be able to make these judgment calls.

I guess what I quite frankly find odious is the presumption, somehow, on the part of some of the commentators in this story that God forbid a Conservative heritage minister would have this power to actually make this kind of judgment and be able to restrict the flow of Canadian taxpayers' dollars into odious, unacceptable, and repugnant movies such as what would come of the Bernardo story. That's really the background to it.

I would offer to test the veracity of this story. The official—I believe it is Charles Drouin—is quoted as saying that the department “has recently standardized and updated the list of illegal and other illegible content.”

●(1640)

I would offer to go to the minister and ask the department to give us those lists, if those lists exist, and I would be very happy to see that those lists are tabled at the next meeting. But that said, I think we have something rather spectacular here, some journalism that maybe could have been a little bit better, and we probably have a little bit of a tempest in a teapot at this particular point.

The Chair: Thank you.

I'll go to Mr. Scott, and then to Mr. Siksay.

Hon. Andy Scott: Thank you very much, Mr. Chair.

With respect to the parliamentary secretary, this really isn't specific to the comments here, and I'm not in any position to judge the interpretations, and I look forward to having further information and appreciate very much his offer to bring it forward; but on the general principle, I don't think it is sinister one way or the other to consider the possibility that different people and political parties approach different subjects in different ways.

I've been here since 1993, and there have been some things that we haven't agreed on. So if you amend a piece of legislation to give power to the department or to a minister to act, I think it is a

reasonable expectation that you would assume that certain ministers would react some way and other ministers might react in different ways. Therefore, it is possible that you would open up the Employment Insurance Act, as an example, just to demonstrate my point; and depending on which political party opens it up, my guess is it might take different changes.

That's all that we're really talking about here, that if the government intended to do a certain set of things with powers that were opened up in the bill, and then a subsequent government decided that this power could be used—and I don't mean it in a pejorative way—in a different way, I think it's a legitimate debate and discussion. That's all.

Personally, any concerns I would have are legitimate public policy concerns about questions of censorship and so on. I think those are legitimate things that have nothing to do with people getting all worked up about their ideological differences. Frankly, I think we should avoid that kind of thing and just talk about the content and substance of the discussion.

●(1645)

The Chair: Mr. Siksay.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Chair.

I'm glad we're having this discussion. I think this is a very important concern, and I'm glad that the parliamentary secretary has committed to bringing us more specific information on this.

He spoke about the need for ministers to make judgment calls, and that may well be true. But I think that in an area like this we have to understand on what basis that judgment is being exercised, and what are the guidelines in place that the minister would avail herself of to make that kind of decision. That's why I think it's very important that we understand what guidelines have been developed by the department to interpret this particular clause of Bill C-10.

I still hope that if this bill is before the Senate, the Senate might pay some attention to this particular clause and send a reworking of it back to the House of Commons to be looked at again, because I do have very serious concerns about how easily we can go down the road of censorship.

I hasten to say that even Mr. Abbott's example of a film or a story told about the odious crimes of Paul Bernardo may not mean that a film or video presentation about that story is in itself odious and repugnant. What Mr. Bernardo did certainly was repugnant, and as a society maybe it's important that we understand what happened there, and that it may be a particular role for creative people to tell that story. But if we're going to decide before that story is told that it's odious and repugnant, I do have some concerns.

So I think it's very important that we see what guidelines are in place, what the changes have been, and to act responsibly as the committee that's responsible for Canadian Heritage and the creative process in this regard, so that we understand completely what's happened here.

The Chair: Okay.

Mr. Fast.

Mr. Ed Fast (Abbotsford, CPC): Mr. Chair, I'm not going to belabour the point. I certainly understand Mr. Abbott's concerns with this article. I don't believe it was a fair article. But again, there's some journalistic licence that reporters take. I'm looking forward to receiving some of the information that Mr. Abbott's going to present to us.

If in fact there are already standards for the kinds of programs that are funded by the Government of Canada, whether through tax credits, through CTF, or otherwise, someone would have had to establish those standards. It may have been the previous Liberal government. I hope what I'm hearing here is not that it should be the Liberal standards that prevail and that they should never be reviewed by a new government that comes into place. I hope I'm not hearing that.

The other point I wanted to make, Mr. Chair, is when we're talking about taxpayers' money I think we need to be cautious about calling this censorship. I'd be the first to jump up and down about trying to interfere with the ability of Canadians to receive the kind of content that they want, even if we don't feel it's acceptable ourselves. But we provide in our communities, our society, quite a wide range of opportunities for people to express themselves and to enjoy themselves—provided they don't hurt others. I think that's one of the qualifiers.

But when we're talking about taxpayers' money, I believe there's a higher standard that we can—and perhaps from time to time should—apply to make sure the expectations of those very taxpayers are met. Now, that doesn't mean that we basically outlaw 90% of what's being funded. But from time to time, I believe, a review is warranted. I'm hoping that when we get the information from Mr. Abbott we can actually get to the bottom of this unfortunate story, find out exactly what's happening, whether this is a form of censorship that's being alleged or whether this is something very routine that governments do from time to time.

● (1650)

The Chair: Ms. Fry, and then Mr. Batters.

Hon. Hedy Fry (Vancouver Centre, Lib.): I don't want to belabour this. We have asked for this list to be tabled. Let's look at it; let's then deal with it, if so. However, I don't think that Mr. Abbott should be offended by it, because I don't think any offence was meant.

But I think it is very clear that we should, all of us, be very careful that in the name of the spending of taxpayers' dollars we do not set ourselves up, as any government of any stripe, to presume to decide what is acceptable and not acceptable for the people of Canada. It is

a violation of free speech and it is a violation of the rights of individuals in this country to decide what they wish to see or not see, and it's a violation of the creative process of whoever is creating the film. There's a very clear sense, in terms of pornography and in terms of the current legislation with regard to hate and other issues, as to what is allowable and what isn't allowable under the law and under the Criminal Code. I think that's clear.

So to presume to set up lists that may or may not expand on the Criminal Code and may or may not expand on what in a free and democratic society people deem to be acceptable is really the beginning of a slippery slope in whether or not government sees itself as being capable of deciding and being a censor. So it's important that this be discussed. I think it's important that before we presume to come to any conclusion or point fingers we see the list. As far as I'm concerned, we're going to. The issue is over. Let's wait until we see the list.

This has been carrying on far too long, in my opinion, in terms of debate.

The Chair: For me too.

Mr. Batters, and then we'll put this to rest.

Mr. Dave Batters (Palliser, CPC): On that note then, Mr. Chair, I'll be very brief. I just want to respond quickly to reinforce the comments of my colleague Mr. Fast and address some of Mr. Siksay's concerns.

I was maybe the most vocal critic of some of the films that Telefilm funded in the past when Mr. Lacroix appeared before this committee. There is a huge distinction—I just want to point that out briefly before we conclude, Mr. Chair—between what would be allowed in terms of private capital ventures and in terms of those that would be appropriately funded by taxpayers' dollars. That is the point I was trying to make that day; it's a point I want to reiterate today.

I would be the first one to oppose censorship. Again, I want to reiterate, back up what Mr. Fast said—provided that it's a legal activity and that no one is harmed in the activity. But we're not talking about censorship here; we're talking about value for taxpayers' dollars. There's a huge distinction there between...

Well, I'm not going to repeat myself. I think I've made my point.

Thank you, Mr. Chair.

The Chair: Thank you.

With that, the meeting is adjourned.

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