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Chair

Ms. Jean Crowder

Standing Committee on Access to Information, Privacy and Ethics

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•(0845)

[English]

The Vice-Chair (Mrs. Patricia Davidson (Sarnia—Lambton, CPC)): I call the meeting to order.

This is meeting number nine of the Standing Committee on Access to Information, Privacy and Ethics.

We have with us today a witness from the University of Ottawa, Monsieur Drapeau, professor, faculty of law. With him we also have Mr. Juneau, who is here in an advisory capacity to Mr. Drapeau. He's assisting as counsel to Mr. Drapeau and he will not be speaking to the committee.

Mr. Angus.

Mr. Charlie Angus (Timmins—James Bay, NDP): Yes, sorry for this intervention. We'll get down to the business of the day very quickly.

As my colleagues here know, Mr. Del Mastro has raised this issue about the NDP convention financing and at hearings here he's made a number of statements about the transfer of illegal money, of gifts that were being handed out to the NDP.

The Vice-Chair (Mrs. Patricia Davidson): Is this a point of order you're making?

Mr. Charlie Angus: Yes.

I'd like to submit the letter from—

Mr. Dean Del Mastro: It's not a point of order.

Mr. Charlie Angus:

The Vice-Chair (Mrs. Patricia Davidson): I think that's all been circulated to us, Mr. Angus.

Mr. Charlie Angus: I'd like it on the record.

The Vice-Chair (Mrs. Patricia Davidson): Mr. Angus, this is not a point of order. You're entering into a debate.

We'll continue on with our witness.

Go ahead, Mr. Drapeau, please.

Mr. Del Mastro, there will be no more debate back and forth between you two.

Mr. Drapeau.

Colonel (Retired) Michel W. Drapeau (Professor, Faculty of Law, University of Ottawa): I assume I have the floor.

Thank you, Madam Chair.

I wish to express my thanks to members of the committee for permitting me to appear before you this morning. I'm particularly willing and pleased to do so, especially under my guise as a professor of law at the University of Ottawa, with a measure of expertise with the federal Access to Information Act.

Let me open by noting that both the Charter of Rights and Freedoms and the Access to Information Act were enacted in 1982 within three months of one another. Since then these acts have been exhaustively tested by the court, and time and again the access act has withstood challenges to its *raison d'être* thanks primarily to the excellent work done by the original drafters. Therefore, the access act, like the charter, has aged quite well. Also, they've adapted to societal and technological changes that have taken place over the last 30 years. Therefore—and I've said it before in this committee—in my considered opinion the access act is by and large fine as it is.

I believe that the provisions of the access act, if followed and implemented properly, allow Canadians to access government records, while providing fulsome protection to privileged information, the disclosure of which could do harm to protected interests.

Canada is one of about 80 countries that recognize freedom of information as a basic right. Moreover, as a leading democracy, Canada's access act has quasi-constitutional status. You may ask, why does the access act have a quasi-constitutional status? It does because, first, the act contains a notwithstanding clause, which gives it an overriding status with respect to any other act of Parliament; second, because its purpose is twofold—democracy and public accountability.

The Supreme Court, in 1997, stated specifically what the principal functions of the act are. They are four: first, to improve the working of government; second, to make government more effective, responsive, and accountable; third, to facilitate democracy by helping citizens to have information required to participate meaningfully in a democratic process; and four, to ensure that politicians and bureaucrats remain accountable to the citizenry.

Also, I strongly believe that the Information Commissioner already possesses quite considerable powers to investigate complaints. To be sure, her powers are equal to those of a Superior Court of Justice judge. I agree, however, with the Information Commissioner, that her mandate should be extended so that she becomes more proactive in educating Canadians about their information rights. This committee, which oversees her work, should give her the green light in that regard.

I have one last point before turning to the subject of your inquiry. I also agree with Mrs. Legault concerning records currently held in ministers' offices. These records are already protected under the access act, as drafted. In accordance with the democratic objectives of the act, I believe very strongly that ministers' offices should be made subject to the act. How do you do this? Simple. An order in council pursuant to subsection 77(2) of the act and it's done.

I would like now to turn to the area your committee is presently examining, and that is the court action concerning CBC.

CBC came under the auspices of the access act in September 2007. However, when it did, the act was amended to include section 68.1 to protect "the journalistic, creative or programming activities" of the CBC. In doing so, Canada followed in the footsteps of the U. K. and Australia, which also have a national broadcaster that is subsidized with public funding. This is not surprising, given that our very own Supreme Court has already made it quite clear that journalistic sources have privileged protection under the law. However, in discharging its access obligations over the past four years, it appears that CBC went above and beyond simply protecting its journalistic interests.

● (0850)

I would be less than forthright if I did not say that in my opinion the CBC appeared to abuse section 68.1 in a blatant and ill-disguised exercise to either delay or deny access to records—or both.

While on the issue of delay, let me hasten to say that the CBC has used, with equal liberty, a myriad of other exemptions, exclusions, and exaggerated fees to not only deny, but more importantly to systematically delay the release of information. As the saying goes, "justice delayed is justice denied". After all, what good is information requested from the CBC in 2007, if four years later the said information has yet to be disclosed?

As an experienced user of the act who writes on it and teaches access to information, it would be naive for me to think that what is at play behind all of that obfuscation is anything but an exercise in delaying disclosure of records for as long a period as possible.

Truth be told, contrary to most federal institutions, the act has very limited effect or impact on the CBC. Why? The CBC is subject to the act only for information that is not held for the purposes of journalism and programming. Yet at present the public position of the CBC is that any challenges by any requesters as to the correct application of section 68.1 should be made before the court, and not the Information Commissioner.

I find that suggestion condescending, because it would force requesters to engage in judicial combat, costing them thousands and thousands of dollars in legal expenditures and years of delay, against a public corporation that already benefits a great deal from the public purse. To suggest that course of action, in my words, is an insult to the very purpose of the Access to Information Act, democracy at play, and the intelligence of the Canadian public.

So what is the CBC to do? It's simple. First, to the degree possible, the CBC needs to make every effort to disclose, in a timely fashion, records that are not truly covered by section 68.1.

Second, when invoking section 68.1 the CBC should willingly cooperate with the Information Commissioner, who after all is an officer of Parliament speaking on your behalf, by giving her access to records that they contend are covered by their journalistic exemption. In doing so, the CBC might maintain a modicum of credibility and objectivity with the public it serves.

On a further point before I close, the CBC, like CTV, TVA, Global, *The Globe and Mail*, Sun Media, etc., has developed quite an expertise in the access domain, providing the Canadian public with a critical examination of public administration. When these news organizations submit access requests they do so in the performance of a public duty to inform the citizenry of the goings-on in government. To the citizens it matters little whose news organization investigates and reports on the public spending and performance of public institutions. What is important is that it gets done.

Before I open myself to your questions, permit me to raise one last observation. It is that the court has ruled that the purpose of any request is wholly irrelevant. The purpose of the act is to provide a right of access to information under government control. That right is available to every member of the public, and the intent, purpose, motivation, or the occupation of a requester has no legal significance. It is the records that matter and that cannot be modified, regardless of the presumed strategy of the requesters.

It's an honour for me to play a part in your examination, and I'm now open for questions.

Thank you.

● (0855)

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much, Mr. Drapeau.

We will go to our first questioner, Mr. Angus, for seven minutes.

Mr. Charlie Angus: Thank you, Madam Chair.

Thank you for coming, Monsieur Drapeau and Mr. Juneau. Do you work together?

Col Michel W. Drapeau: Yes, we do.

Mr. Charlie Angus: Is he your assistant or partner?

Col Michel W. Drapeau: He is my assistant for the time being. He is soon to be a partner.

Mr. Charlie Angus: Okay.

I'm interested in what you said about your agreement with the Information Commissioner. We had the Information Commissioner here, a woman of incredible integrity. She warned us about the black hole of accountability that now exists within ministers' offices, with ministers trying to exempt information from the public. Do you see this as a problem?

Col Michel W. Drapeau: I see this as a huge problem. A minister is at the apex of the departmental hierarchy, and to suggest that documents that come and reside in his office or are created in his office in the performance of duty—not political duty but duty as a minister of the crown—would not be accessible under the act is a refutation of the very purpose of the act itself. It's an interpretation given by the Supreme Court with which I have significant difficulty. It can be cured easily, and I think it has to be cured in order to really give true meaning to the act itself. But to have it as it is now provides the tools to bureaucrats who do not wish to have certain documents, certain information records, disclosed. I anticipate that the size of the office of a given ministry will grow over time. It's going to take a up whole floor and the limits and the boundaries will extend. So that has to be corrected, and basically, it lies in your hands here.

Mr. Charlie Angus: Thank you.

I'm going to ask a question completely off the topic and you don't have to answer. I notice your name is Michel Drapeau. It's a francophone name. Do I detect a small Scottish accent? Were you educated in Edinburgh or any place over there?

Col Michel W. Drapeau: No, I was educated in Quebec City, born in Quebec City, left Quebec City as a unilingual francophone back in 1961 and spent a good part of my life in the military. I travelled abroad and, for some reason along the way, I must have fallen in love with scotch and I'm quite proud of it.

Mr. Charlie Angus: Well, you know, I fell in love with scotch too and I might pick up a brogue by seven or eight o'clock in the evening.

Anyway, I'm interested in this issue of the black hole of accountability. I'm not going to get into too many side issues, but we saw the issue with the G-8 spending where the Auditor General couldn't find the documents, and we found out later they were run through the minister's constituency office. There was certainly widespread speculation in the media that by running it through the constituency offices it was effectively beyond the reach of the Information Commissioner, so millions of taxpayers' dollars were allowed to be flowed because it was beyond access to information.

Do you see that this is the kind of wedge that is going to be put against the information act?

Col Michel W. Drapeau: I think the potential of a wedge is there, but to be very fair and very reasonable, as it stands, I think it appears far worse than what it actually is. The Supreme Court in its decision says that when a document has basically no fingerprints of any bureaucrats, it has been created within the minister's office.

There could be instances where advice of the minister's exempt staff to him will cover these kinds of records, but for instance if a record was prepared and staffed by low-level staff and went all the way up to the deputy minister—a briefing note would be a case in point—and submitted to the minister, you could not argue that this is ministerial records. It's departmental records and the minister got a copy. Under the access act, you may not get the copy of the minister's records but you will get a copy of the briefing note itself.

My point is that if you leave it as it is, the office of the minister will grow. It will take over the correspondence unit. It's going to take over the policy unit. It's going to take over the public affairs unit.

And then you're going to start creating records inside the minister's office. I'm not giving a recipe to make it better; in fact it's going to make it worse.

• (0900)

Mr. Charlie Angus: A veritable black hole.

We had the Canadian Taxpayers Federation here. They told us they had had about a half-dozen requests with CBC. How many have you filed?

Col Michel W. Drapeau: How many have I filed? I couldn't tell you the exact number. I file approximately a thousand requests a year, not only to CBC, of course, but to a whole lot of federal institutions. That's the expertise we have, and not only with Canadian federal institutions but provincial, and we file some with the U.S.—

Mr. Charlie Angus: But can you tell how many for CBC in particular?

Col Michel W. Drapeau: To CBC over the past year—50, 60, 70, 80, in that range, which to us is....

Mr. Charlie Angus: That's not too much—50 or 60. That's not a lot.

Maclean's magazine describes Quebecor as one of your clients. Do you sell this information to Quebecor?

Col Michel W. Drapeau: I don't sell. I'm in the business of law, so I don't market that. It's part of the public record that I've acted for Quebecor in the past, and as a result of it, my dealing with that particular client, which is part of the public record, is protected under client-solicitor privilege and I cannot address any questions or queries in that particular field.

Mr. Charlie Angus: So they're one of your clients, but you won't.... Would you give us the access to information that you've done on behalf of Quebecor so that we know the kinds of questions that are being asked?

Col Michel W. Drapeau: No, I could not do that in that particular sense because I would be violating my client-solicitor's privilege.

Mr. Charlie Angus: But you're here as an independent. You didn't tell us that you worked for Quebecor. You didn't tell us that they were your client. Now when we ask if there's any information, you say, well, they're your client and you can't tell us anything.

You told us you were here as a law professor. I'm fascinated by your interest in law, but now I find out that you're not going to tell us anything because you have this working relationship with Quebecor. So could you at least let us know the kind of work you do for Quebecor, the kinds of questions you're asking, how often, how many?

Col Michel W. Drapeau: Let me fuel your fascination further. I made it quite clear by accepting an invitation, an honour to be here, which I feel commended to come, and I did, that I will speak as an expert and authority on access and as a professor of law.

To speak to you as to the parameters and the changes and whatever pressures upon the access act itself, I am pleased to do that.

Mr. Charlie Angus: But as a professor of law, certainly you would think if you were asked to go into a courtroom and give evidence it would certainly be important for the jury to know that you are giving evidence on behalf of a client, not on behalf of someone independent.

This is a specific issue, which is Quebecor's fight with CBC. They're one of your clients, and yet you didn't tell us that. I find it surprising that, as a professor of law, you would go into a courtroom and tell everybody that you were an expert, as you obviously are, but not say to the jury, by the way, I work for these guys; I have an interest in working with them.

Col Michel W. Drapeau: If you'd listen for a second I will tell you. I would be very surprised, given your renowned knowledge of the access domain and so the public record is quite clear.... I do practise law, and I do practise law principally in the access domain. I have clients, to inform you, that range from media organizations, MPs, political parties, corporations, and so on.

Mr. Charlie Angus: Yes, but none of those parties are written about in *Macleans*. What's written about is your relationship with Quebecor as a client.

The Vice-Chair (Mrs. Patricia Davidson): Mr. Angus, your time is up. Please give Mr. Drapeau a chance to answer.

Mr. Drapeau, do you have any further comments?

Col Michel W. Drapeau: And I made it quite clear, as I said right from the get-go, that I could not and would not—and Quebecor just happened to be one of the clients—discuss my work for them in this particular forum or any forum.

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much.

We will now move on to Mr. Del Mastro for seven minutes, please.

Mr. Dean Del Mastro: Thank you, Madam Chairman.

At the outset I'd say it sounds like Mr. Angus would like to continue his hearings on union sponsorship of the NDP convention. We may well give him that honour.

Mr. Drapeau, first of all, I apologize. Mr. Angus is very confused. Let's just straighten the record out here to kick things off. Is Quebecor currently in court with CBC? Are they currently fighting with each other?

Col Michel W. Drapeau: Not as far as.... Am I speaking from the public record perspective?

Mr. Dean Del Mastro: No.

• (0905)

Col Michel W. Drapeau: The answer is no.

Mr. Dean Del Mastro: Exactly.

Col Michel W. Drapeau: That I know....

Mr. Dean Del Mastro: This is about the Information Commissioner actually having gone to court with the CBC to actually say you must release these documents to me and I will determine if section 68.1 applies.

The court, Justice Boivin, in fact ruled, yes, you must give the Information Commissioner access to these documents, and she will determine if it's appropriate to release them or not.

And the CBC is saying they don't think so, that only a court will tell them if they have to release these.

By the way, the court did tell them they had to release them.

Col Michel W. Drapeau: Check.

Mr. Dean Del Mastro: And now they're appealing it. That's what this is about.

Mr. Angus is very confused.

You indicated that you thought the CBC's approach is condescending. Can you expand on that a little bit?

Col Michel W. Drapeau: Well, to suggest that the legislature back in 1982.... And I purposely reflected upon the fact that both the Charter of Rights and Freedoms and the access right, which is a quasi-constitutional right, were passed within the same session of Parliament and have been in existence since then, and there is a scheme inside the act to name an officer of Parliament, the Information Commissioner, who in Canada has the mandate and the powers to investigate a complaint. To suggest that this is not good enough, and the Information Commissioner.... To this day, there has never been a leak. I mean, there has never been any confidential information obtained during her investigation that has ever been handled in anything but in accordance with the law. To suggest that's not good enough.... They have the expertise, the people, the mandate, and the law on their side. That we have to go to a judge and ignore this bureaucracy, this expertise, and so on, and not only go to the court, but it has got to be a court that says, as we say.... It has been to court, the Federal Court, and the decision is quite readable and quite reasonable and quite acceptable to all. That decision by Mr. Justice Boivin says, basically, the Information Commissioner is only doing her job, and by the way, when doing her job she may agree in some cases that records for which an exemption is claimed under section 68.1 is appropriate.

That was not good enough. We're now before the Federal Court of Appeal, which had a hearing on October 18.

First of all, the suggestion that this is the way to do it would imply that the only recourse for requesters, not only myself but ordinary Canadians, asking for records from the CBC, where the CBC asks that records be redacted under section 68.1, is to go to court. You are talking thousands of dollars to have a judicial review, as opposed to going to the Information Commissioner, which is provided as a complaint mechanism free of charge. I find that condescending.

Mr. Dean Del Mastro: Is there an element of hypocrisy to it, in your view? CBC often reports on access to information. They file access to information requests. They are a news agency within the country that is respected by Canadians. Is there an element of hypocrisy in their not allowing that same critical lens to be applied to them?

Col Michel W. Drapeau: I don't know whether you'd say hypocrisy, but it's bifocal. Yes, they have this expertise within, just as most news organizations, from CBC to CTV to Global to Sun Media, all have research departments. Many political parties have them too, and many large corporations have them. By all means, CBC does, and CBC does an excellent job. And they inform us on a daily basis that this information was obtained under access.

So it's not as if they're new in the game or don't know the concept of it and its value as a democratic tool. They know that, but it's almost as if they come across saying "it doesn't apply to us", because it never did until 2007. That's the difficulty they have with it.

Mr. Dean Del Mastro: Other witnesses have suggested that CBC may in fact may be sitting on this information because they don't want to be embarrassed, and I understand that. Often the information that comes out under access is embarrassing. There's a reason why people are seeking it.

Col Michel W. Drapeau: But the act has been interpreted so many times by the court. In one of the many judgments, the court says that embarrassment is not an exemption.

Mr. Dean Del Mastro: That's right.

I would argue that, whether in the case of government departments or otherwise, it makes them better, doesn't it? That's why it exists. In fact, that's what one of the witnesses said: accountability and so forth

Col Michel W. Drapeau: And that's what the Supreme Court said.

Mr. Dean Del Mastro: —can only serve to improve things.

You said that in your opinion CBC may have gone, or perhaps you said is going, beyond protecting its journalistic and programming integrity.

In your opinion, should such things as meal receipts, the size of their fleet, the cost of maintenance of their vehicle fleet, and so forth be exempted under section 68? It seems to me that the CBC's approach has been to say: everything is under section 68.1, and we will maintain that position until somebody says it's not.

• (0910)

Col Michel W. Drapeau: I'll give—this may be a surprise to Mr. Angus—a very generous answer to your questions. It might, because the very records that you are asking...

No institution has the duty to create a record in response to an access request, so the records they have may contain hybrid information—some journalistic information, some information on programming. It may well be that CBC has purchased high-definition trucks for the purpose of covering some sports events, and in doing so they would be able to sell or lease their equipment for this purpose to other news. That information may be protected under programming. I have no difficulty with that.

What I have difficulty with is the CBC's becoming the judge for itself of what needs to be protected. It's too easy then to say that all of it falls under this particular scenario.

Let the Information Commissioner have a look at it. If it's wholly programming or journalism, it will be occluded; if it's hybrid, it will also be occluded. So be it.

My point is, the CBC has nothing to lose, except enhancing its credibility as someone respectfully applying the access to information law in response to requests from Canadians.

The Vice-Chair (Mrs. Patricia Davidson): I'm sorry, your time is up, Mr. Del Mastro.

We will now go to Mr. Lamoureux for seven minutes, please.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Thank you, Madam Chair.

I appreciate your quickness in responding with answers. Let me take a slightly different approach, Mr. Drapeau.

If you look at other independents, such as CTV—and I'm trying in my own mind to establish, because we want to do the right thing here, what is and is not appropriate—is there more of an obligation for CBC to provide detailed information about the running of its stations and so forth than for CTV, and if so why?

Col Michel W. Drapeau: The answer is absolutely. CBC is now subject to the act for one overriding reason: they get a billion bucks from the Canadian taxpayers. If they did not, they would not be subject to the act. The legislators—you—have put the CBC under the act from September 1, 2007.

That's it. If you're going to get money on one hand from the public purse, then you have a duty to account and a duty to disclose to the Canadian public. That's democracy at work.

The CBC has a choice: it can say we're no longer going to be subsidized by the Canadian taxpayer. CTV is not a federal institution, not a crown corporation, not subject to the act. That's the basic difference.

Mr. Kevin Lamoureux: But would you acknowledge that there is a need to keep some information in confidence?

Col Michel W. Drapeau: Absolutely.

Mr. Kevin Lamoureux: Do you have in your mind something that you can share with the committee as to what things, in your opinion, warrant CBC's being able to keep them in confidence and not have to disclose?

Col Michel W. Drapeau: Unfortunately, the law as drafted in Canada and the U.K. and Australia—they have almost the same wording—has left it to the court to decide what is journalism and what is programming, and in the U.K. what is art and what is literature. This hasn't been done yet.

But as a reasonable person, any number of us here would see a document and say this is clearly something to do with journalism—a report, sources, whatever—and that ought to be protected. The Supreme Court says it should be. And whether you're with CTV or Sun Media or CBC, it has to be protected. I have no argument there.

Some of it, such as programming, may be more problematic to decide—certainly what is artistic is something else again—but in the final analysis, these will be areas of dispute. Not every one of the requests for which CBC calls for an exemption will come under section 68.1; some of them will fall into a grey zone. And the grey zone I refer to is the case in which it's information of a hybrid nature: some of it is protected, some is not.

You need to have an independent and objective somebody to make that decision. The court has agreed that the Information Commissioner is that person. Parliament has decided that this is the person too. The Information Commissioner can look at a complaint by a requester, look at the record, and then issue a recommendation—not an order to disclose, but a recommendation—either to disclose or not disclose.

If that were to happen, we wouldn't be here.

● (0915)

Mr. Kevin Lamoureux: I would think that it's open to the potential for abuse by competitors, in the sense that this is something that is required of the CBC and not of its competition. There are those in Canadian society who would like to see the demise of the CBC, quite possibly some of the members right across this table from me.

At the end of the day, do you see that there is the potential for abuse, in terms, some would argue, of harassment of the CBC in trying to perform its responsibilities as prescribed through the act?

Col Michel W. Drapeau: You raise three points. Let me address them be in the reverse order.

Concerning demise, you have somebody here who's a fan, an admirer, and a supporter of the CBC. I think they add considerably to the fabric of the nation. They have done so, and I hope they continue to do so.

At the same time, I'm a taxpayer. As a taxpayer, I need to know and I have a right to know, and it's a quasi-constitutional right. If somebody goes through a formal process of requesting, CBC has all the tools and all the exemption at its disposal to redact what needs to be redacted. But in the fullness of time, in accordance with the delay specified in the act, it should release the information.

It may not be I as an individual who am requesting this information. Perhaps members of Parliament might be; the Library of Parliament might; people from outside the country could—or competitors. Well, we live in a very competitive world, and you could say the same, if not about the CBC, then about other crown corporations. The fact that somebody asks—and the court has looked at this frequently, in the air transport regime, for instance, when allegations were made that this was only to embarrass them, only to provide information to a competitor.... The act itself is beautifully synchronized and structured to provide for information to be protected and privileged.

Whether a competitor asks for it because they have the motivation to do so—or somebody alongside, an association or something else—who cares? The court says motive or purpose has nothing to do with it. You cannot modify the documents and the records therein only because your competitor asks for it. In fact, you should not know who asked for it. You are asked, you release it, it becomes part

of the public record, we all become informed about it. That's the way democracy works.

Mr. Scott Andrews (Avalon, Lib.): I'm sorry I was late. I offer my apologies.

Since 2007 you have filed over 800 requests of the CBC. Is that fair to say?

Col Michel W. Drapeau: We've filed a number. It's probably in that range. I wouldn't swear to the 800.

Mr. Scott Andrews: How many of those requests would you have sent in to the CBC at one time?

Col Michel W. Drapeau: It might have been eight or nine.

Mr. Scott Andrews: Eight or nine; but it would have been no more than that?

Col Michel W. Drapeau: I can't think it would be more than that.

Mr. Scott Andrews: We find that a lot of comment is that the CBC has gotten so backlogged on their freedom of information requests because of the volume that comes in at one time. And that's not fair to the CBC, to accuse them of failing to respond—

Col Michel W. Drapeau: And it's not fair to me if you don't allow me to answer the question, because in fact I'm happy that you've asked it. Why was such a high number of requests submitted? It's because we're good at it and we know how the system works.

Mr. Scott Andrews: One other question. Are you employed to file those requests on behalf of the companies?

The Vice-Chair (Mrs. Patricia Davidson): Mr. Andrews, your time is up. We'll allow Mr. Drapeau to answer, please.

Col Michel W. Drapeau: When we submit requests... An uninformed and inexperienced requester would submit a request and say, "I want everything that corporation X has published in 2007". I tell you what, his request probably addresses 20,000 documents, and it probably costs \$10,000 worth of search fees. We don't do this. We like to ask for documents concerning a specific event on a specific date for specific purposes. And we'll put another request. So in some ways we're helping, in this case, the CBC in having very targeted, very limited, very precise requests: "We would like to have a copy of the board of directors meeting on October 4, 2000", whatever. That's it. So the volume should not be of significance here. The significance is what records are responsive to this request.

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much, Mr. Drapeau.

We'll now go to Mr. Carmichael for seven minutes, please.

Mr. John Carmichael (Don Valley West, CPC): Thank you, Madam Chair.

Good morning, Mr. Drapeau.

Col Michel W. Drapeau: Good morning.

Mr. John Carmichael: As I listen to your responses to the questions from the other side, I appreciate that your intent is probably similar to the intent of both sides, and that is to get to the root of the problem and to fix it. It appears to me that with the CBC right now, we're living in a do-as-I-say-not-as-I-do world, where, from my perspective and from everything I'm reading, they simply are thumbing their nose, not only at the Information Commissioner, who is appointed by this House, but also the courts of the land, which I find particularly obnoxious. I too, as you've stated, rely on the CBC for much of the news, and a lot of the information they provide is good information. So when I see that, it's a total conflict of values to my sense.

You've also addressed section 68.1. The CBC's treatment of that section is a blatant and ill-disguised exercise, which is probably an issue that is them again thumbing their nose at the laws as they exist and the rules as they're established. In Justice Boivin's summary... and we heard from the CRTC CEO, Mr. von Finckenstein, the other day talking about section 68.1 as being poorly drafted. It appears from what I'm hearing in your testimony that there are ways in which we can fix this.

Do you have some specific thoughts of how we can fix section 68.1 so that it applies fairly to everybody?

• (0920)

Col Michel W. Drapeau: First of all, it applies only to the CBC. I'm a great believer in traditions. We have a tradition of common law, and many of our legal systems come from the motherland.

Amazingly, in the U.K., in their freedom of information act they have also found it difficult on the simple reading of the act to say where the borders or frontiers are. The court has stepped in, including the high court itself, to define.... The way it works for the BBC, in annex A, which lists the institutions subject to the act, it says the BBC, except for journalism, art, and literature. That's what it says, which is pretty well the same as what we do. We came about it in a different fashion, but no more explanation. The court has defined what that is and defined where the balance lies.

I think we will need to wait for the Federal Court of Appeal, which has now reserved judgment on the hearing of October 18, to arrive precisely at a decision, if not on what journalism means then what the powers of the Information Commissioner are in response to a complaint. I'm looking forward to that.

I would suggest very strongly that we all wait until the Federal Court of Appeal, which has a considerable amount of experience in interpreting the access act, does so.

Mr. John Carmichael: Thank you.

Specifically to the number of requests that you've made on the access issues, you said 50, 60, 80 per year, and my colleague has said it's as many as 800. What's your success rate in receiving responses on those requests?

Col Michel W. Drapeau: May I be honest?

Mr. John Carmichael: Please.

Col Michel W. Drapeau: I wouldn't earn a very good living if I had to depend upon what I receive. I have an equal number, almost, of complaints to the Office of the Information Commissioner. In

reality, if I were to put on the table what it is that we actually receive, you'd be surprised. I don't think it would exceed the height of the glasses here.

Mr. John Carmichael: That is the information you're actually receiving back on your access requests to the CBC.

Col Michel W. Drapeau: Once I strip all the white pages and the redacted things, there's not very much—

Mr. John Carmichael: Not very much.

Col Michel W. Drapeau: —of substance, no.

Mr. John Carmichael: It was interesting, one of our witnesses the other day mentioned they had submitted six or eight requests, which they're going to give copies of to this committee, and one of them was for the name and address of the president of the company, to see whether a simple request would be responded to. To the best of my knowledge, even that didn't receive a response. So it's not about the difficulty of the information. Again, I think we're back to the fact that it just doesn't exist.

Col Michel W. Drapeau: I made the point, you will recall, that it's not only section 68.1; we have dealt with myriads of other exemptions, exclusions, fees, and so on. As reasonable and patient as we can be, we can only form the opinion that the purpose behind this was to deny, and if not to deny, then certainly to delay, which has the same purpose. If we can't have it after four years, then what do we do?

Mr. John Carmichael: For my last question, when you received the information—and you received lots of information, some 1,562 pages on one response alone—and you sifted through the redacted pages, etc., distilled it down to something you could read in half a page, did you receive any explanation as to why that information was being sensitized?

• (0925)

Col Michel W. Drapeau: Yes, there was, sir. I think the covering letter said “exemption under”, and then there was a series: 19, which is personal information; 20, which is third-party information; 16 is security, and so on and so forth. There was the whole string of exemptions.

And of the 1,500-some pages, if memory serves, I think there were 37 pages that had some typewriting on it. In some cases it was “pages 600 to 900 redacted under section so and so”; that was the nature of it. There was nothing of any significance, except for the front page that defined the purpose of the 1,500 pages.

We paid considerable fees to obtain that, and we waited quite a long time. We put in a complaint, but because of the section 68.1 that is currently before the tribunals we are awaiting a decision from the court before the Information Commissioner can proceed in sifting through this document.

We've been four years waiting on that particular report, which was the audit report done by an external firm of a national reputation. The cost of it was in the 300 figures. It was a substantial expenditure of public funds, which we thought we should have, concerning a computer program called Vision. So far I think it has cost \$60-some-odd million.

It's not as if we were trying to pester, as the suggestion might have been at the CBC. We had a legitimate need to know what happened, how that particular project was managed, where the lessons were learned, and so on and so forth. So far we haven't been informed of any of that.

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much.

We will now move to our second round of questioning.

Mr. Boulerice, please, for five minutes.

[Translation]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Thank you very much, Madam Chair. Welcome, Mr. Drapeau. I will ask my questions in French and will also ask you for some clarification.

Earlier, when Mr. Angus asked how many access to information requests you submitted on behalf of Quebecor, you said, if I understood correctly, that it was about 70. Afterwards, when Mr. Lamoureux asked about the requests you submitted to CBC/Radio-Canada, you talked about several hundred. Is that because you submitted several hundred requests that were not on Quebecor's behalf?

Col Michel W. Drapeau: I think the two questions went together. We regularly submit ATI requests to CBC for a number of clients and institutions. However, the requests we send to CBC are not all on behalf of Quebecor. We have probably sent 50, 60 or 80 requests to CBC over the last few months and over the last year, on a regular basis. That was also done in previous years, especially once CBC became subject to the act.

Mr. Alexandre Boulerice: We are talking about 2007.

Col Michel W. Drapeau: I can tell you that many other organizations, such as VIA Rail, Canada Post and the National Arts Centre, and all others that became subject to the act as of September 1 received a pretty high number of requests from us pertaining to fairly similar information.

Mr. Alexandre Boulerice: Okay.

Earlier, you talked about the fact that, when an organization receives public money and reaches into taxpayers' pockets, it has additional transparency obligations. That's an opinion we agree with. I think that you are right.

In the art, film and television world, there are no completely private areas. Denise Robert said so when she appeared on *Tout le monde en parle* the other day. She said that, without public funding, there would be no Canadian or Quebecer cinema. The situation is fairly similar when it comes to TV networks. Do you feel that the fact that private broadcasters—be it Sun Media, TVA or Global—use subsidies, tax credits and all the available programs to survive, provide programming, shoot and broadcast means that they have a similar obligation in terms of transparency? Do you think that they should have the same obligations as CBC, given the fact that they also receive generous public funding and the fact that, inevitably, CBC receives minimal funding of 35%—now, it is 39%—through the market?

Col Michel W. Drapeau: If you are talking about public broadcasters, I have no expertise, knowledge or special training when it comes to that. I have none. So, I am unable to answer you.

If you're referring to the arts, I am not talking about public broadcasters. From memory, I can tell you that there are other organizations that receive significant funding from the federal government, such as the National Arts Centre and the Canada Council for the Arts, which are both also subject to the Access to Information Act. They also both have exemptions. For instance, when it comes to the National Arts Centre, you cannot receive documents or information that pertain to the payment given to a specific artist or to a donor who has anonymously given money to the National Arts Centre. They are exempted from releasing that type of information. However, they are both subject to the Access to Information Act, and there are others like them. As I already said, my area of expertise is not public broadcasting, so I cannot answer you.

• (0930)

Mr. Alexandre Boulerice: Earlier, you said that you were very knowledgeable about access to information requests and that you had submitted several thousand of them.

Col Michel W. Drapeau: Yes.

Mr. Alexandre Boulerice: So, you did not submit all those requests to CBC/Radio-Canada. I assume that you solicit various organizations, institutions and departments.

Col Michel W. Drapeau: There are about 250 institutions.

Mr. Alexandre Boulerice: Exactly. As we have seen the Information Commissioner of Canada's audit figures, we know that the current Conservative government has received failing grades, Fs, for a number of departments. Those are very low grades. If my children came from school with similar report cards, I would be very angry. The Department of Foreign Affairs and International Trade Canada has even been placed on

[English]

red alert.

[Translation]

Things are completely

[English]

out of control.

[Translation]

Would you say that the number of responses CBC/Radio-Canada has given you regarding your ATI requests is lower, higher or on par when compared with ATI requests you submit to the federal government or its institutions in general?

Col Michel W. Drapeau: That's a very good question. I will answer as honestly as possible. I admit that I am biased. I have a lot of admiration and respect for the institution that is CBC. Considering that those people know their profession and have a level of expertise that many other institutions lack when it comes to ATI, I expect CBC to do a better job. I also expect it to have an innate knowledge of access to information matters and to understand why society needs that information.

Taking that into account, I find that CBC's performance has improved, but that the corporation does deserve the F grade it received from the information commissioner. I find that unfortunate because I honestly believe that it could have done much better with very little effort.

[English]

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much. That's your five minutes.

We'll now go to Mr. Butt for five minutes.

Mr. Brad Butt (Mississauga—Streetsville, CPC): Thank you very much, Madam Chair. I appreciate it.

It never ceases to amaze me that the two so-called transparency NDP members at this table are continuing to defend the CBC's lack of transparency. I don't get the irony in that.

Thank you, Mr. Drapeau, for being here.

My first question is, do you know Ms. Legault, the Information Commissioner?

Col Michel W. Drapeau: Indeed, and I have a lot of time for her. I think she has done a spectacular job in a very difficult situation. When she took over there was a two-year delay of complaints. She has addressed that. I think she's hired new people. I've been very critical of her predecessor, but I want to be on the record to give her the type of support and the type of acclamation that she deserves. I think she's done an excellent job.

Mr. Brad Butt: I'm glad to hear you say that, because I think very highly of her too. I think members of Parliament do, our government does. I think she's done an excellent job. I think she's extremely competent.

So here's my follow-up question. Do you not believe that Ms. Legault and her people have the ability in-house to determine whether section 68.1 applies or not in access requests to the CBC? Do you not think they have enough competence in that department to determine in a private, confidential way whether section 68.1 applies or not to a request for access to information from the CBC and to let her make that determination, rather than the CBC deciding what the definition of section 68.1 is?

Col Michel W. Drapeau: You're taking words out of my mouth.

Absolutely. No question there. Can she do it? She could do it now. Has she done it in the past? She has done it. She has been trusted with information, the quality and the degree of severity if leakages were to happen being far more significant—national security would be one case in point—information that is protected because it belonged to a third party of a commercial, scientific nature. She has done that and her predecessors have done it. Absolutely.

I have said before, and I say it again, the Information Commission office is probably one of the best and most effective offices of Parliament that I know. They've done the job, and they're doing it. Can they do section 68.1? Absolutely.

• (0935)

Mr. Brad Butt: I'm very glad to hear that.

One of the things you mentioned in one of your responses, or maybe it was in your initial statement, was hybrid documents and

that they would be subject to section 68.1 in many cases. If you were the CBC, would you not make sure that most of your documents were hybrid so you could claim section 68.1? Wouldn't you be making sure, if you wanted to avoid people getting access to information, that you stuck something in there just to make sure that it was covered, or supposedly covered, so that you wouldn't have to be subject to these requests?

And then I'll ask your advice. How would you recommend we clean that up?

Col Michel W. Drapeau: I recommend you leave it alone, because, as I said, the act was beautifully crafted, has been 30 years in existence, has been interpreted ad nauseam, and it covers all this. There's a provision in section 25 that you could have a document—I'll use another example—you could have a document that is advice by a lawyer to a public official, so it's client and solicitors. Even if the document is protected, there are some fragments of information therein that can be released. The fact that there is in existence a briefing note, for instance, the facts on which the opinion is based would be releasable.

So even if it's a hybrid document, there would be some portion of it that would be redacted. The Information Commissioner would recommend the portions that are and should be disclosed. In other words, if there were an aircraft accident, there were so many fatalities and so on and so forth, and CBC dispatched a crew, then that's part of the public record. It's factual. That information would be released. But you have to let the Information Commissioner do her job to make recommendations to the institution, the CBC, what to release and what not to release.

I also accept the fact that at the end of the day, CBC and the OIC may not see the same issue in the same way. I sometimes don't agree with everything the OIC does. Then I have a choice to go to court, but it should be one in a million, not the first reaction, which is what CBC does now: if you don't like it, take us to court.

Mr. Brad Butt: Do you believe that CBC has a culture of avoidance, that basically it's imbedded in there that they're just not going to comply, that they're going to constantly claim section 68.1 or any other section that they can to not release information?

Col Michel W. Drapeau: I don't know if they have the culture of avoidance. I don't think they ever did until September 1, 2007. Quite the reverse, they have a culture of disclosure. If you do something bad, it's going to be on CBC news tomorrow.

When it comes to access, for some reason—I don't know if there was something in the coffee that day on September 1, 2007—it just runs against the culture of CBC and the reputation they have in Canadian households. I would see them, and I thought I would see them, as an example of how they can administer the access act.

CBC found itself so pressured by access requests and their inability to respond that they requested an advisor to come in, a consultant, in December 2007 to advise them how to do it. They organized your access regime three months after becoming subject to the act. Something fell along the tracks along the way. Unfortunately, the reputation of CBC as an organization, as a corporation, has suffered unnecessarily as a result of it.

[Translation]

Mr. Brad Butt: Thank you very much, Mr. Drapeau.

[English]

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much, Mr. Butt. Your time has run out now.

Monsieur Drapeau, thank you very much for appearing before us this morning. Certainly we've appreciated the expertise you have brought to the table.

Mr. Juneau, thank you also for being here.

I will now suspend for five minutes while we get ready for the next section of our meeting.

● (0935) _____ (Pause) _____

● (0940)

The Vice-Chair (Mrs. Patricia Davidson): I call this meeting back to order, please.

I'd like to welcome our witnesses for the second portion of our meeting. We have Mr. Péladeau, Mr. Lavoie, and Mr. Sasseville.

Mr. Péladeau, I understand that you're giving the opening remarks. I will ask you to go forward, please, for up to ten minutes.

● (0945)

Mr. Pierre Karl Péladeau (President and Chief Executive Officer, Quebecor Media Inc.): Thank you very much.

[Translation]

Ladies and gentlemen, members of the committee, good morning. My name is Pierre Karl Péladeau. I am the President and Chief Executive Officer of Quebecor, Quebecor Media and Sun Media Corporation. We want to thank the committee members for the opportunity to share our opinion on access to information regarding CBC/Radio-Canada, given our experience with the state broadcaster in this matter.

[English]

I am here today as the CEO of Sun Media Corporation, Canada's largest newspaper publisher and private media company in Canada. We manage 42 daily newspapers all around the country, including major urban newspapers like the *Toronto Sun*, the *Calgary Sun*, and *Le Journal de Montréal*, the largest-circulation French newspaper in Canada, the *24 Hours* chain of free dailies, as well as many other newspapers, like *The Sudbury Star*, *The Peterborough Examiner*, the *Grande Prairie Daily Herald Tribune*, and even Canada's oldest continuously published daily newspaper, *The Kingston Whig Standard*. In addition to this, we also own close to 200 weekly newspapers in all regions of the country, as well as two all-news stations, Sun News and LCN, and Canada's biggest French-language broadcaster, TVA, which dominates the news segment in front of Radio-Canada.

Sun Media newspapers have a long tradition, both proud and fearless, of shining a light on wasteful and ineffective spending of all levels of government, forcing them to reveal critical information of interest to Canadians. For example, we recently revealed the fact that the federal government had a list of suspected war criminals wanted for deportation, and that Ottawa would not disclose their identities.

Our front page stories, along with coverage on Sun News, led to the government changing its policy and creating a most-wanted list, which resulted in the apprehension of a number of dangerous fugitives.

In other words, we abide by the credo expressed in the landmark 1989 Supreme Court ruling that "a democracy cannot exist without that freedom to express new ideas and to put forward opinions about the functioning of public institutions". As the crown corporation receiving the largest subsidy from the Canadian Parliament, CBC/Radio-Canada cannot be immune from public scrutiny. Unfortunately, for about 25 years, from when the Access to Information Act was adopted in 1982, until 2007, citizens and journalists were not able to use one of the most important accountability tools available in our democracy, the access to information regime.

When this changed, following the adoption of the Federal Accountability Act, it is understandable that an organization with over a thousand journalists would file a great number of access to information requests to the state broadcaster. It is our duty and our right as conferred by Parliament to do so. What followed is by now well documented, having been the object of several damning reports by the Canada Information Commissioner: proactive delays, exorbitant demands for search fees, numerous complaints, and, in the end, very little information to Canadians about how the state broadcaster manages public funds.

The main reason that CBC/Radio-Canada lacks access to information performance is its insistence on hiding behind a series of exemptions and exclusions. The most significant of these exclusions, and the one that brings us here today, is the exclusion stemming from section 68.1, which states that the Access to Information Act "does not apply to any information that is under the control of the Canadian Broadcasting Corporation that relates to its journalistic, creative or programming activities, other than information that relates to its general administration". CBC/Radio-Canada took the Information Commissioner to court over the right to be the sole decider over what information can be withheld by virtue of section 68.1.

A first ruling rejected the state broadcaster's conceit. Judge Boivin declared that the "position taken by the CBC confers the Crown corporation judge in its own case in respect of access requests it receives". To CBC/Radio-Canada and executives, this case is first and foremost about protecting journalistic sources. Of course, protecting journalistic sources is also a priority for Sun Media. This is in fact shown by the fact that not a single one of the numerous access to information requests we sent to CBC/Radio-Canada was aimed at journalistic sources. In fact, not only have we never made such demands, but we never would. Furthermore, of the 16 access to information requests that are before the court, not a single one is in any way related to journalistic sources. I have the requests with me.

● (0950)

The requests ask for travel expenses for Sylvain Lafrance, who received *la Légion d'honneur* in France, outdoor advertising expenses, a commercial agreement to create a new magazine, and so on. In other words, it has nothing to do with journalistic sources, but all to do with CBC/Radio-Canada using every possible scheme to refuse accountability.

This, unfortunately, is nothing new for us at Sun Media. To illustrate this, I have brought with me a couple of requests submitted by Sun Media to CBC/Radio-Canada and what we got in return.

The first one concerns the state broadcaster's fleet of vehicles. What we got back is a single line of text mentioning a lone 2007 Ford 500. All other 17 pages of the document have been redacted, with CBC claiming an exclusion under section 68.1. I must still have a lot to learn about creation, programming, and journalism, because I fail to see what asking for information about a fleet of cars has to do with any of these activities.

Another request concerns CBC/Radio-Canada's 75th anniversary celebration planning budget. What we got in return is 250 pages with all and any dollar amounts redacted by virtue of one exemption or another. Withholding information from Canadians about the cost of anniversary celebrations is apparently par for the course when it comes to CBC/Radio-Canada's interpretation of the Access to Information Act.

[Translation]

Ladies and gentlemen, I used these few examples to try to illustrate the types of difficulties Sun Media has come across in its attempts to do its job as a media outlet.

Despite the opinion of people who accuse us of waging war on CBC/Radio-Canada, we believe that those requests are not only legitimate and of public interest, but also fully compliant with the spirit of the act.

Unfortunately, the reality is that Sun Media is currently the only press group with the distance and independence needed to ask those questions of the state broadcaster. That testifies to the extent to which many of our competitors are allied with CBC/Radio-Canada.

Is it a coincidence that the presence of reporters from the daily newspaper *La Presse*, published by Gesca-Power Corporation, on CBC's television and radio programs is inversely proportional to the number of requests the newspaper has submitted regarding CBC/Radio-Canada, which actually specializes in that?

[English]

But to be sure, the lack of scrutiny of CBC/Radio-Canada is not just a Quebec media phenomenon. When the *National Post* was launched back in 1998, one of the changes it brought to the media landscape was the willingness to turn a critical eye to the management of the state broadcaster in a regular segment called "CBC Watch". That has changed. Today the *National Post* is in a commercial partnership with the CBC whereby the CBC provides it with essential sports and video content. It is no surprise that "CBC Watch" is gone. It has been replaced with stories promoting new CBC programming and giveaways of episodes of *The Nature of Things* to people who sign up for their mobile app.

I don't want to pick on the *National Post*; it is the rest of the media as well. Bell, the owner of CTV and CTV Newsnet, has just launched a joint bid with CBC/Radio-Canada for the Olympic coverage, and Canadian Press's biggest customer is CBC/Radio-Canada.

The Globe and Mail and the *Toronto Sun*, two of the three owners of CP, benefit from large advertising buys from the CBC.

Meanwhile, taking a critical editorial position on the CBC will result in the state broadcaster pulling all advertising from our papers, as Sun Media knows only too well.

Between their strategic partnerships, their advertising budget, and their direct payments to journalists in other media organizations, CBC/Radio-Canada has somehow managed to quiet dissenting voices in most outlets—everywhere, that is, with the exception of Sun Media.

• (0955)

[Translation]

Ladies and gentlemen, members of the committee, CBC/Radio-Canada annually receives over 1.1 billion dollars in parliamentary appropriations to fulfill its public broadcasting mandate. In exchange, Canadians have the right to expect a level of transparency that would enable them to ensure that the money they give to the crown corporation is well spent. In other words, the money should be spent efficiently and in alignment with its mandate.

Thank you very much for your attention.

[English]

The Vice-Chair (Mrs. Patricia Davidson): Thank you, Mr. Péladeau.

We'll now go to our first round of questioning.

Mr. Angus, please, for seven minutes.

Mr. Charlie Angus: Thank you, Madam Chair.

Thank you, Monsieur Péladeau, Monsieur Lavoie, and Mr. Sasseville.

We've met before. I'm pleased to have you here. You're a veritable Citizen Kane in the Canadian media market, and it's good to have you here.

You mentioned, sort of in passing, your biggest competitor in the Quebec television market, which would be Radio-Canada. Would you share with us any of the letters that you've sent to Prime Minister Stephen Harper complaining about the fact that you're not getting enough advertising dollars from your number one competitor?

Mr. Pierre Karl Péladeau: I read yesterday, in sort of a "get the facts" type of piece related to us, in a quite highly surprising attack on our company, which is a highly respectable company, that we send letters to the Prime Minister of Canada.

This is completely false. The letter that I sent was to the CEO of Radio-Canada, mentioning that Sun Media and all our properties—especially, obviously, as you can imagine, in the newspaper business—are the ones that would be able to bring as much of an audience as possible.

I sent a letter to Prime Minister Harper—

Mr. Charlie Angus: Just to clarify, did you send it to the Prime Minister on this?

Mr. Pierre Karl Péladeau: I'm sorry, sir, do you want me to answer your question?

Mr. Charlie Angus: Well, I only have seven minutes; I'm not trying to be rude.

You did mention—just at the end you were complaining that your competitors are getting advertising dollars. So did you write to the Prime Minister about this issue, or did you write to CBC—

Mr. Pierre Karl Péladeau: I sent one letter mentioning that I'd been talking to...and sending letters. In fact, there were 17 letters being sent to Hubert Lacroix.

My job, as the CEO of Quebecor Media, is to make sure that we have the appropriate proportion of our advertising in Canada. Since our media business, especially newspapers, is basically fed by advertising, this is one of the most important sources for newspapers.

If we want to have strong newspapers in Canada, I think it's only natural that the public corporation—

Mr. Charlie Angus: Gives you a share; okay.

Mr. Pierre Karl Péladeau: We've been seeing many other institutions in public life advertising in our paper, the only exception being Radio-Canada/CBC.

Mr. Charlie Angus: Okay, so—

Mr. Pierre Karl Péladeau: And this has taken place over the last few years.

Mr. Charlie Angus: Sorry, but I have only about five minutes left, sir.

Mr. Pierre Karl Péladeau: Before, CBC/Radio-Canada had been advertising in our papers—

Mr. Charlie Angus: I'm going to have to cut this short, sir—

Mr. Pierre Karl Péladeau: —because they knew very well that those papers reached appropriate audiences.

Mr. Charlie Angus: Okay. I just wanted to clarify.

And I'm not trying to be confrontational here, but I only have five minutes, and we have a tough chair here.

• (1000)

Mr. Pierre Karl Péladeau: I'm not trying to be either, sir. I just want to answer your question.

Mr. Charlie Angus: I read the *Sun*. My dad always read the *Sun*. I like your talk about freedom of expression and the importance of it. I think of Joe Liebling, who said that freedom of the press belongs to the people rich enough to own them. Every time I see that you guys buy a local newspaper, all these great little local newspapers, they suddenly all take the exact same line, which is to attack the CBC, defund the CBC. Every smalltown paper I see has the exact same line. It's always the same.

Now, is that all independent, or does that come from somewhere higher up the food chain—i.e., if you want to work for us, this is now our line, and you're going to follow that line?

Mr. Pierre Karl Péladeau: I'm sorry, sir, I didn't get your question. What's your question, sir?

Mr. Charlie Angus: I'll put my question a little clearer, then. This is in terms of your obligation in a vertically integrated company. You have a competitor in your television market. You own newspaper operations across the country. Every single newspaper that you buy

has the exact same editorial imprint on an attack on your number one competitor.

Just to clarify, in case I'm not really clear, I was reading an article by Marc-François Bernier, the Canada research chair in francophone communication specializing in journalism ethics. He entitles it "Quebecor—A tarnished ethical and democratic track record", and refers to incidents where journalists were ordered to write articles attacking Radio-Canada.

Does that happen?

Mr. Pierre Karl Péladeau: Well, that's the *prétention du professeur Bernier*. I don't know where he's taking this from, so...

Mr. Charlie Angus: So it's not true?

Mr. Pierre Karl Péladeau: I understand that he will be in front of you later, but he's absolutely wrong.

Mr. Charlie Angus: Okay. He said that this is part of a—

Mr. Pierre Karl Péladeau: I don't know where he's getting this. I think this is unfortunate, you know—

Mr. Charlie Angus: He said this is part of a slur campaign against Radio-Canada.

These indications suggest that Quebecor might be engaging in wilful propagandizing (hammering, repeating the same arguments) or even misinformation (deceiving the public by hiding facts that are pertinent to understanding the events). Such behaviour pushes the damaging potential of its media to an extreme, all in the name of freedom of the press, of course

I raise this because at Quebecor you have so many diversified assets, yet they're all vertically integrated under you, Mr. Péladeau, and I certainly wouldn't want us to see a situation where you would begin to act like a Rupert Murdoch, poisoning the political atmosphere of this country.

Would you assure us that every single journalist in all those little newspapers is not getting told how to write? It seems to be the exact same article I read. Where is the level of interference within the newsrooms at Quebecor to push your corporate line against your number one competitor? Who sends that message?

Mr. Pierre Karl Péladeau: Well, you know this company is managed by many executives, and every newspaper has a long tradition of being independent. Obviously, you know, this is not a party; this is a business, also. If we want to have something that will be able to provide Canadians with strong information, this company needs to be managed, and we're not going to—

Mr. Charlie Angus: Do you mean managing the newsroom? Journalists tell us they were ordered to write—

Mr. Pierre Karl Péladeau: We have our accountability and a responsibility to our shareholders—

Mr. Charlie Angus: Were journalists ordered to write?

You said it's managing a business, and certainly it's an extremely profitable one. It's in the top 90th percentile in the world, as a business.

Are your journalists ordered to follow the party line? That's what ex-journalists have said, that if they want to work for Quebecor, once you've taken over these newspapers, they have to follow that line, and that line is to attack the number one competitor of Quebecor.

Mr. Pierre Karl Péladeau: I have nothing to answer to this. That's coming from Professor Bernier. I have nothing to say about what he is thinking or his opinion. I'm paid to manage my business, and I will continue to do so.

Mr. Charlie Angus: Should the newsroom be separate from your other vertically integrated operations?

Mr. Pierre Karl Péladeau: I just answered you. This is not a party. This is a business, and we're running our newspaper like any of our other businesses.

Mr. Charlie Angus: Is it all part of the same business, or do we have to...?

This issue of a journalistic firewall has been always a fundamental

Mr. Pierre Karl Péladeau: If you want me to give you a lecture on how I manage my business, I would need more than two minutes to do this, sir.

Mr. Charlie Angus: I'm just asking. Do you have that firewall, or do you manage a business? You manage an excellent business, but the issue of journalistic integrity is crucial to the freedom of the press. If you're managing a business, and you're managing it with your cable, television, newspapers, and magazine publications, is there a journalistic firewall to protect the journalists to have the freedom of expression you talked about?

Mr. Pierre Karl Péladeau: Our reporters and journalistic resources have their jobs to do, and no one will tell them what to write.

Is that clear enough?

Thank you.

The Vice-Chair (Mrs. Patricia Davidson): Thank you, Mr. Angus.

We'll now go to Mr. Del Mastro for seven minutes.

Mr. Dean Del Mastro: Thank you very much, Madam Chair. That was a very interesting exchange.

Mr. Péladeau, you mentioned that other media outlets in fact haven't had the courage to do what you're doing, perhaps because they have business agreements with the CBC.

It's kind of a courageous thing, because I would argue that CBC carries, by far, the biggest stick in the Canadian media business, especially in the news business. It's not uncommon. For example, *Power and Politics* has somewhere around twelve producers. *Power Play* has about three. *Question Period* has one. I don't know if you have any for shows on Parliament Hill.

The expenditure and the ability CBC has, quite frankly, outweighs any private sector broadcaster. Isn't it fair to say it takes a bit of courage to do that?

● (1005)

Mr. Pierre Karl Péladeau: We're bound by different rules from the ones that CBC/Radio-Canada have. We have accountability to our shareholders, and we do not have the same kinds of means that the CBC has. I guess it's well known in the industry. When the private broadcaster will need one individual, CBC will come with three or four.

They have this \$1.1 billion, so they're spending it somewhere. We know that money is no object with them. It's the way they operate. We are ruled by other kinds of principles. We need to be profitable because if not our business will not survive down the road. Therefore, managing our business according to good and fair business principles is the one that we've been following for the last decade.

In fact, as you probably know, Sun Media was an acquisition of Quebecor about 13 to 14 years ago, and that was also the way that Sun Media was operating previously, as other newspaper companies, like Postmedia, which was previously Southam, and other companies...as also other companies we acquired like the Osprey acquisition. These are the types of principles that we need to follow to make sure that down the road we'll be there and to provide appropriate information to Canadians.

Mr. Dean Del Mastro: Obviously you're aware that it's not just members of the opposition or otherwise who have been suggesting that this is all about dollars for you. You're after the CBC not because you're protecting the taxpayers, as Sun TV News says, on your side. It's not because you're on the side of the taxpayers. That's not why you're doing what you're doing. It's because you're on your own side. You're in this to make money for yourself, and by discrediting the public broadcaster, by taking them down, you stand to benefit disproportionately.

What do you say to the people who say that? Is that a legitimate concern?

Mr. Pierre Karl Péladeau: If a media company is not in position to investigate on another media company being accused of going against competition, who will be able to investigate CBC/Radio-Canada? You need to be a media company that will be able to bring this information to as big an audience as possible for Canada. We've been doing this with all other crown corporations. We've been doing this with sports, hockey teams.

The fundamental of our business is to provide information, and because we're media, we would be forbidden to investigate Radio-Canada? This is completely stupid. If we were to follow this logic, no one will be able to investigate Radio-Canada other than themselves. I think this is obviously something that will not happen.

Mr. Dean Del Mastro: CBC resents the usage of the term "state broadcaster." In fact, they don't like it at all. They refer to themselves as a public broadcaster. Members opposite have gotten angry if you refer to the CBC as the state broadcaster.

It seems to me a public broadcaster receives its money willingly from the public. State broadcasters receive their money from the state. I understand the chair of the CRTC said the other day that he feels the terms are synonymous. However, he thinks the term "state broadcaster" reflects broadcasters that occupy and operate typically in non-democratic places.

We heard from Mr. Drapeau earlier today that providing information is a function of democracy, essentially, providing access. If the CBC is not providing access, they're not acting democratically. Aren't they acting in a fashion, perhaps, that reflects more of a state broadcaster in a regime whereby they're not providing information?

•(1010)

Mr. Pierre Karl Péladeau: I'm not someone who would be either a politician or a semantics expert.

Mr. Dean Del Mastro: So why do you use the term "state broadcaster"?

Mr. Pierre Karl Péladeau: I'm not using the term "state broadcaster". CBC/Radio-Canada had been using it. I would say that you need to call a spade a spade. This is what this animal is all about. Therefore, what's the problem? I don't see any issue, personally. That's certainly my own opinion. I guess no one would really care about it.

Mr. Dean Del Mastro: CBC says you've received \$500 million in the last three years from taxpayers. Is that true?

Mr. Pierre Karl Péladeau: Yes, I read that yesterday. I found that completely defamatory and dangerous. I've been looking at the numbers they've been mentioning, and I've never seen something so false and so malicious. In fact, right now we are reviewing our legal recourse to find out what the follow-up will be to that.

But they were mentioning we received \$323 million, so I guess roughly 60% to 70% of this supposed \$500 million, from the spectrum subsidy, or something like that. This is completely ludicrous. I've never seen something so ridiculous. In fact, we were the company in Canada that fought for competition in the wireless business, and today Canadians have access to the best technology at the lowest price.

There was no subsidy at all. In fact, we paid \$555 million to buy the spectrum, and when we compare our numbers with the rest of the world, what we call the megahertz per population is one of the highest in the world.

The Vice-Chair (Mrs. Patricia Davidson): Mr. Péladeau, your time has expired. You may be able to continue answering in a further question that comes up.

We will now go to Mr. Andrews for seven minutes.

Mr. Scott Andrews: Thank you, Madam Chair.

Welcome, Mr. Péladeau.

How many freedom of information requests have Quebecor/Sun Media filed to the CBC?

Mr. Pierre Karl Péladeau: I don't have the specific details. I'm not managing any newsroom. I guess this may be public information—or not. If it's public information, this is available. If not, then it's not.

Mr. Scott Andrews: So you don't know how many—

Mr. Pierre Karl Péladeau: Not specifically.

Mr. Scott Andrews: Have those requests all come from your newsroom? Who in your company has submitted these requests?

Mr. Pierre Karl Péladeau: I'm pretty sure that will come from editorial departments, yes.

Mr. Scott Andrews: None came from management or senior officials in your company?

Mr. Pierre Karl Péladeau: No, I would say they were filed by editorial departments.

Mr. Scott Andrews: But you don't know?

Mr. Pierre Karl Péladeau: Not specifically. But I would be inclined to think that's the kind of thing that comes from the newsroom.

Mr. Scott Andrews: But you don't know.

You mentioned in your statement that a couple of pieces of information that were requested from freedom of information were outdoor advertising and some information on a commercial magazine and that you were concerned that this was blocked out. Don't you see those types of requests as a way of getting to the commercial activities of the CBC? It was part of the freedom of information, part of that. They are allowed to protect that information for commercial interests.

Mr. Pierre Karl Péladeau: No, we don't.

I guess probably Radio-Canada/CBC itself would consider that the Access to Information Act needs to be interpreted generously, not limiting. So therefore I don't see any relation with commercial.... Because if they were to raise this, they would raise it all the time. And as I've been using as an example, a fleet of cars would all eventually be in commercial matters. So you would raise and use commercial matters to just say no to all questions.

•(1015)

Mr. Scott Andrews: You brought up outdoor advertising. Would you mind telling us how much money Quebecor/Sun Media spends on outdoor advertising in the country?

Mr. Pierre Karl Péladeau: Why would I do that?

Mr. Scott Andrews: Well, I'm asking. You asked the question to the CBC; I'm asking the question to you.

Mr. Pierre Karl Péladeau: First of all, I'm not asking. The editorial departments are asking this question, and this is a public corporation. They receive over \$1 billion of public funds. Why would we do this?

Mr. Scott Andrews: Sir, don't you see that if certain information was given to you, it would be in your commercial best interests to know what they're spending on advertising so you can adjust your course on advertising?

You mentioned the bid for the Olympics. You asked to see all related documents to the bids for the Olympics. Wouldn't that be in your commercial interests as well if you had that information so you could use it against the CBC in another broadcast?

Mr. Pierre Karl Péladeau: I'm not saying we're never going to bid on the Olympics. It's probably too expensive and we're not going to be able to compete with the zillions of dollars that CBC/Radio-Canada have to bid on the Olympic Games.

But I would answer your question. If I were to follow your logic, no one would be able to ask any questions of the CBC/Radio-Canada because it would come from a media company. Therefore, you would relate that to commercial matters.

I would relate this to information requests that Canadians have the right to know. This is what this business is all about.

Mr. Scott Andrews: Do Canadians have the right to know all the information about your company? Would you have your company subject to the same freedom of information laws?

Mr. Pierre Karl Péladeau: Mr. Andrews, I think you're confusing everything. We're not a public corporation.

Mr. Scott Andrews: You do receive public money.

Mr. Pierre Karl Péladeau: Do you want to compare the amount of money that we receive as public funds to the amount that CBC/Radio-Canada receives? It's a drop in the bucket.

Mr. Scott Andrews: I'm comparing it as two media companies, sir. That's where my line of questioning is going. These are two media companies, yours and theirs, and you're trying to find out commercial information about your competitor to use to your advantage.

Mr. Pierre Karl Péladeau: No, we're not looking for commercial information. We're looking for information to be able to provide Canadians the proper knowledge on how CBC/Radio-Canada manages public funds. This is what this business is all about. As we do require to know—

Mr. Scott Andrews: Do you think Canadians require to know how much outdoor advertising CBC does? Explain to me—

The Vice-Chair (Mrs. Patricia Davidson): Gentlemen, Mr. Andrews, please conduct your questions through the chair. There will be no more hollering back and forth between the two of you. We'll have a little more decorum here, please.

Go ahead, Mr. Andrews.

Mr. Scott Andrews: Thank you, Madam Chair.

You brought up outdoor advertising in your opening statement. What in the public interest do Canadians care how much outdoor advertising the CBC does? That would be of direct benefit to you to know.

Mr. Pierre Karl Péladeau: I don't think so at all, Mr. Andrews. We don't really care ourselves what price they pay for their outdoor advertising. But we think that Canadians would eventually be interested to know how much they're spending there. We don't care. In fact, you know, as a policy, we're not really using outdoor advertising.

Mr. Scott Andrews: Another question that was brought up earlier: you say CBC doesn't advertise enough with you. How much advertising have you done with the CBC?

Mr. Pierre Karl Péladeau: None. We don't need CBC/Radio-Canada to be able to reach the audience we're looking for.

Mr. Scott Andrews: So don't you think CBC would feel the same way about your company—that they don't need your help?

Mr. Pierre Karl Péladeau: We're the largest media company. I think it would be a problem not to use Sun Media and the many other assets that we manage, because we're, as I mentioned in my introduction, the largest newspaper chain in Canada, on top of being the largest private media company.

Mr. Scott Andrews: I'm sure CBC would feel the same way—that there's no need to advertise with you.

Mr. Pierre Karl Péladeau: Well, you know what, sir? They've advertised with us previously. Two years ago, before they went with

a boycott policy, they used our media many times because they know that we have been reaching an audience for many years. On top of that, we have information that the agencies representing CBC/Radio-Canada have received strict advice or direction not to use our media company.

The Vice-Chair (Mrs. Patricia Davidson): Thank you, Mr. Andrews. Your time is up.

We'll now go to Mr. Calkins for seven minutes, please.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you, Madam Chair.

I appreciate the discussion here today. I want to just ask you, Mr. Péladeau, to elaborate a little bit more on some of these get-the-facts points that have been raised recently.

It says here, and we talked about it a little bit, that Quebecor has received more than half a billion dollars in direct and indirect subsidies and benefits from Canadian taxpayers over the past three years, yet it is not accountable to them. I've heard others come before this committee trying to make the argument that if an organization, a company, a business receives a tax credit, takes advantage of a tax incentive program—which obviously costs the federal coffers money, but not directly, as it's an indirect cost, simply money not collected on behalf—that would be similar to receiving a direct subsidy or a direct cash transfer from the Government of Canada, which of course CBC does get, to the tune of over \$1 billion a year to provide a mandate for that investment.

Do you think it reasonable that section 68 of the access to information law would apply to every business that takes advantage of a tax credit, or a tax incentive policy, to have to publicly disclose information through the Information Commissioner if an access to information request were filed? Is that a reasonable thing to do? Because every car dealership, every gas station, everybody would then have to. If we followed through on that policy, someone hiring an employee, using the hiring tax credit, someone using a tax credit in their business, or even an individual using a tax credit to fix up their back yards during the home renovation tax credit would somehow suddenly be open to an access to information request. Do you think that's reasonable?

• (1020)

Mr. Pierre Karl Péladeau: I don't know what to answer to this. You're asking me if I find this natural or—

Mr. Blaine Calkins: Yes, do you think that's a reasonable equivalency to—

Mr. Pierre Karl Péladeau: As I mentioned, I think it's pretty strange that they're dropping this kind of information a few hours before I'm in front of you. So I guess it's probably to be able to feed some of the friends of CBC/Radio-Canada. Again, you know, the information that has been mentioned in this web page I found completely unacceptable if it was to be approved by senior management of the CBC. Carrying that kind of false and malicious information I found completely unacceptable. I guess it's like confiscating public funds, the public airwaves or the public money. This is something unforeseen. I've never seen this. To accuse us, to try to taint our reputation, I find that completely unacceptable.

As I mentioned earlier, we're reviewing our options regarding our legal recourses.

Mr. Blaine Calkins: Thank you very much for that.

You mentioned that until a few years ago the CBC did advertise with your media chains or through various aspects of your media outlets, and that has changed. You gave us some testimony in your opening remarks indicating that there seems to be a squeeze in play where various other media organizations are working in a manner that seems to be more cooperative, in an attempt to basically make a play in the marketplace. That would mean that the taxpayer-funded state broadcaster, the Canadian Broadcasting Corporation, is using taxpayer-funded dollars to do that and to basically try to corner a part of the marketplace, using taxpayers' dollars, in a free-enterprise open market.

I guess my question is, if that's the case, from a general principle of fairness most government purchases and expenditures go through a public process where we put out a tender and so on. I'm not saying that needs to happen here, but shouldn't it be fair, as a general principle, that a state-funded broadcaster should be using the entirety of the Canadian marketplace as fairly as possible?

Mr. Pierre Karl Péladeau: Again, I'm not a politician. I have my own opinion and I will keep it for me. But as a manager, I think what we've been seeing is that CBC/Radio-Canada have been using retaliation measures against us because we've been critical. The best evidence of that is that before they were using our newspapers to.... It's pretty simple. As I mentioned, *le Journal de Montréal* and *le Journal de Québec*, the two largest papers in their specific markets, have been seeing their readership growing, whereas our competitors, which are largely used by CBC/Radio-Canada, have been seeing their readership declining.

We saw *le Journal de Montréal* and *le Journal de Québec* working in tandem since their inception. We had a work stoppage at *le Journal de Québec* for a while, and they have been using *le Journal de Montréal* while they stopped using *le Journal de Québec*. We asked them why they would stop doing this. I have my own opinion, but the fact is that they stopped doing that.

The other way around happened a few months later. We had a work stoppage at *le Journal de Montréal* and *le Journal de Québec* was running. They asked us to be able to advertise in *le Journal de Québec* after the work stoppage was done. We never did anything illegal; we've been following the law. Then they asked us if they were able to advertise in *le Journal de Québec* and we said no. In solidarity with our members of management who were putting the paper out courageously every single day, we said no, we're not going to accept money that would discriminate *le Journal de Montréal* against *le Journal de Québec*.

• (1025)

Mr. Blaine Calkins: So in the interests of competition and the fact that there's a bit of an unlevel playing field, section 68.1 has now become a pivotal point being used, in my opinion, for one organization to hide behind and to protect itself, and for maybe other organizations to use as a hammer to drive a wedge. But the bottom line is it's in the public's interest. It has to be in the public's best interest to follow where public-funded money is going.

I'm running out of time, so I'm simply going to ask you, do you think that the journalistic programming and creative activities under section 68.1 should also include any information that gives the Canadian Broadcasting Corporation a competitive advantage?

Mr. Pierre Karl Péladeau: I'm not a member of Parliament, so I will not make any comments on legislation. But as a member of senior executive of a media company—and I mentioned it in my presentation—everyone will say that media are a strong and probably unavoidable pillar of democracy.

I did a little bit of philosophy when I was at university. A guy by the name of Montesquieu said that we need to separate the different powers. He didn't mention media at that time because it didn't exist. But as the fourth pillar of democracy, newspapers need to be managed independently, as do all media companies. Protecting journalistic sources is certainly one of the most important assumptions to make sure that newspapers and media will continue to be that pillar supporting democracy in the end.

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much, Mr. Péladeau.

We'll now go to Monsieur Boulerice, please, for five minutes.

[*Translation*]

Mr. Alexandre Boulerice: Thank you, Madam Chair.

Mr. Péladeau, I was a bit surprised by the tone of your presentation. You came across as if you were under siege, a bit as if the rest of the world was ganging up on you. For a moment, I almost forgot that you were at the head of the largest media empire in Quebec and Canada, a media empire whose political stance is rather clear. It's an empire that is rarely subtle and visibly eager to please the current Conservative government. You presented a vision of things that is a bit Manichean in my opinion. It creates a contrast between the mean crown corporation, heavily subsidized by taxpayers, and a private company that is trying to do its work, information broadcasting, and is part of the forth pillar of democracy.

However, CBC is a public service and not a competitor. It's part of another category of stakeholders in the country's information and programming market. It has a specific mission that private broadcasters do not have, such as providing a service in English in Saguenay or in French in Saskatchewan, for instance. That's a role that I think private broadcasters don't have. The corporation has additional obligations in terms of services, but also in terms of programming content. Since 1952, CBC has had to draw at least 35% of its funding from market profits. I think that's what you take issue with. You see CBC as a competitor that steals your advertising dollars. You, on the other hand, are a real entrepreneur that is trying to do its job and carry out its private broadcasting mission.

For the benefit of the committee and those present, could you remind us what percentage of Quebecers' savings was used to build Quebecor Media, which is the source of your empire's expansion? How involved in Quebecor Media is the Caisse de dépôt et placement du Québec?

• (1030)

Mr. Pierre Karl Péladeau: It accounts for 45% of the capital.

Mr. Alexandre Boulerice: Thank you very much. So we are talking about 45%.

We know that, in 2010, \$2.4 billion—

Mr. Pierre Karl Péladeau: That's a public piece of information known to almost everyone following this matter.

Mr. Alexandre Boulerice: Yes, but I think it bears repeating. In 2010, \$2.4 billion of public money, of Quebecers' savings, made it possible for you to operate and run your media empire.

Earlier today, we heard Mr. Drapeau say that if you receive public funding, if you dip into the collective pocket of taxpayers, you must be transparent and held to account. That is something we agree on. The same goes for CBC/Radio-Canada, which should respond to access to information requests and show transparency in such matters. It has obligations of that nature.

What we are wondering is this: When you consider the \$2.4 billion that Quebecers have invested in Quebecor Media, do you not think that you have some obligations of your own to meet?

You withdrew from the Quebec Press Council, and what's more, the Fédération professionnelle des journalistes du Québec has pointed the finger at you because your company does not have any type of mechanism for people to file complaints and to have those complaints dealt with. What are your thoughts on that? As I see it, there is an imbalance between the requests you make and the accountability you are willing to show.

Mr. Pierre Karl Péladeau: We disclose our results every quarter. We are subject to disclosure rules. We have always fulfilled that obligation. Quebecor has been a public company since 1972. So, in that regard, I don't think we need anyone's advice. We have always done our job as far as accountability and disclosure are concerned, and we will continue to do so in the future.

Mr. Alexandre Boulerice: I see things from a Quebecer's perspective, not a Canadian's—not yet, at least. We take no issue with the fact that you are holding CBC/Radio-Canada to account or the fact that your business is booming. What we do take issue with is that you, mostly in your newspapers but also on TV to some extent with Sun, seem to systematically attack CBC/Radio-Canada, the public broadcaster. And those attacks are not limited to ATI requests because this has turned into a commercial war. You seem to harbour a lot of aggression towards CBC/Radio-Canada.

As for transparency, do you not think that you have crossed the line and embarked on an all-out smear campaign? Whenever we read *Le Journal de Montréal*—because we also read it, at Tim Hortons—and we see, time and time again, articles in which CBC/Radio-Canada is being attacked, we get the sense that CBC/Radio-Canada is an enemy.

Mr. Pierre Karl Péladeau: Listen, I am a bit surprised here. That is your interpretation, and obviously, I don't quite share it. I am extremely surprised to hear all this talk of attacking CBC/Radio-Canada and running a smear campaign against them. The fact of the matter is that the broadcaster's Vice-President of French-language Services talked about me on air as though I were a hooligan, on three occasions. One reporter, who appeared a bit uncomfortable with the exchange, even told him that he had started a campaign against Quebecor regarding a matter that affected all Canadians at the time, the Canadian Television Fund. So, frankly, I don't need any advice from CBC/Radio-Canada on this.

That said, Sun Media reporters are doing their job. Once again, why would they refrain from investigating CBC/Radio-Canada, a crown corporation that spends more than \$1 billion, simply because it may be a so-called competitor? Using that logic, no one could investigate CBC/Radio-Canada or make public information on CBC/Radio-Canada, as media information services and other crown corporations do. What is the reason behind the practice whereby Canadians are not informed of the exclusion set out in section 68.1 in order to protect journalistic sources? As I said in my presentation, we fully support that because we believe that the media needs to protect its journalistic sources. We have gone to court, at both the federal and the provincial levels, repeatedly to stand up for that very principle of protecting journalistic sources.

Mr. Alexandre Boulerice: Unfortunately, I am out of time.

[English]

The Vice-Chair (Mrs. Patricia Davidson): Thank you, Mr. Péladeau.

We'll now go to Mr. Dreeshen for five minutes, please.

Mr. Earl Dreeshen (Red Deer, CPC): Thank you very much, Madam Chair.

Thank you, Mr. Péladeau, for being here today.

I want to talk about journalistic programming and creative activities that are part of section 68.1. Of course I was very interested in your comments earlier. I actually owned one of those 2007 Ford half-tons. I guess I must have had the base unit. I didn't have the stealth one, or whatever it was. That must have been similar to what the CBC felt they could release in the pages that were given there.

I really think there's a different set of rules that we have. You have accountability to your shareholders, and the CBC should have some accountability to taxpayers. I believe that is what we're talking about here.

I'd also like to address the issue that was just mentioned a few minutes ago about the \$500 million from taxpayers that the CBC alleges you have received.

You've talked about potential legal recourse. I don't want to get into what you might want to look at in that area, but is this a situation where an ATI request could go to them to determine just where these accusations come from, or is that something that would be covered by journalistic privilege?

● (1035)

Mr. Pierre Karl Péladeau: Again, they've been trying to create a lot of confusion regarding what this public money is all about. How can you really compare a parliamentary credit of \$1.1 billion with any other kind of public money that private companies would receive or be entitled to? There is no such thing as taking the money from somewhere; they've been trying to confuse what parliamentary credit is all about—subsidy and tax credits.

Yes, it's true that TVA, our broadcasting operation, indirectly received tax credits that had been awarded to private producers. This is how the system works in Canada. In fact when you're looking at what this tax credit is all about, you will find that the amount of money independent producers receive to broadcast their programming on CBC is very different; it is much larger than what private producers who are distributing their programs on TVA will receive.

I have an example, in fact, and I think it also shows what this business is all about. There is a large private producer in Montreal called La Presse télé, which is a subsidiary of Gesca Power Corporation. For the last six or seven years, or maybe more, they have received \$150 million of tax credits. They're selling 80% of their programming to CBC/Radio-Canada—obviously more specifically to Radio-Canada, because this is French programming.

This is something that could also highlight that eventually there are not going to be a lot of media companies that will investigate on CBC/Radio-Canada. Basically they are in conflict of interest because they are receiving so much money. They are the state broadcaster, so you're not going to spit on the hands that are feeding you. This is what this business is all about.

On subsidies and tax credits, we are entitled to that, according to Canadian programs that exist. We're not taking more or less; we're taking the share as the one proposed to all other private companies. We're not the only one receiving this. We see Global, we see CTV, we see many other private broadcasters being entitled to those programs.

Mr. Earl Dreeshen: What perception do you think Canadians are left with when CBC refuses to provide information?

Mr. Pierre Karl Péladeau: I don't run a poll company. I would ask my friend Jean-Marc Léger, who sits on the board of *fondation de l'entrepreneurship*, which I'm chairing, but I'm not an expert there.

Mr. Earl Dreeshen: So you haven't contacted Vote Compass or anything like that to find out what is happening there.

Thank you.

The other—

The Vice-Chair (Mrs. Patricia Davidson): Mr. Dreeshen, your time is up.

We'll go now to Ms. Brosseau, for five minutes, please.

[Translation]

Ms. Ruth Ellen Brosseau (Berthier—Maskinongé, NDP): Thank you very much.

On Tuesday, the committee heard from Konrad von Finckenstein about the CRTC's refusal to release a simple information request on how large broadcasting distribution undertakings use LPIF money.

It is quite surprising to hear that private broadcasters, including Quebecor, have blocked the public's right to see their data. Both CBC/Radio-Canada and Rogers honoured the requests, but not Quebecor.

Will you tell the committee how much money Quebecor received for each of its stations and how that money was used?

• (1040)

Mr. Pierre Karl Péladeau: I was not aware of that information.
[English]

I was not aware of this information, but certainly there is no doubt that we would rule from what the CRTC asks; there is no doubt about this. And I guess that you know we are probably in the process of doing so.

[Translation]

Ms. Ruth Ellen Brosseau: Since 2007, CBC/Radio-Canada has had to answer to the information commissioner. They have received numerous requests, and it has been quite difficult for them. They are now before the courts to have the rules under section 68.1 clarified.

The minister and other department officials have also disagreed with the information commissioner more than 198 times. They, too, want clarification on the act.

[English]

The Vice-Chair (Mrs. Patricia Davidson): Ms. Brosseau, the bells have started to ring. I'm going to have to interrupt you.

Ms. Ruth Ellen Brosseau: Point of order.

Mr. Dean Del Mastro: I would ask that you seek the will of the committee. It is a half-hour bell, Madam Chairman. We're only two minutes from the chamber. I'd like to see that the committee sits its full time.

The Vice-Chair (Mrs. Patricia Davidson): Is that the will of the committee?

Go ahead, Ms. Brosseau. We stopped your time.

[Translation]

Ms. Ruth Ellen Brosseau: Mr. Péladeau, you are quite concerned with CBC/Radio-Canada's transparency and accountability requirements under the act.

Have you submitted other information requests to other government departments or institutions?

[English]

Mr. Pierre Karl Péladeau: Absolutely. We've been sending requests to all public corporations. This is what the media business is all about, and we will continue to do so. We have a duty to inform Canadians about this.

[Translation]

Ms. Ruth Ellen Brosseau: Is CBC/Radio-Canada at the top of your list?

[English]

Mr. Pierre Karl Péladeau: Since they have not been under the Access to Information Act, Radio-Canada and CBC certainly have been seeing a lot of requests because they've been underaccountable for so long. Therefore they should not be surprised.

The fact that they were not prepared we found surprising. There is no such thing as missing or not having enough economic means to be respectful to Canadians. This piece of legislation was announced, and therefore Radio-Canada spending zillions of dollars should be in a position to answer.

So there's no such thing as surprising. It spent hundreds of thousands of dollars having parties in Toronto during the Toronto International Film Festival. They should dedicate this money to the Canadian people to be able to be accountable for the money they're spending.

Ms. Ruth Ellen Brosseau: Do I have more time?

[Translation]

I am going to give the rest of my time to my colleague Mr. Dusseault.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): My questions are for Mr. Péladeau. Thank you for meeting with us today.

I get the feeling that there is a double standard when it comes to CBC/Radio-Canada and you. You receive a significant amount of public money, especially through Quebecor in Quebec.

Do you think it would be right for CBC/Radio-Canada and the public to also have access to how Quebecor spends the taxpayer money it receives?

Do you feel it would be fair and reasonable for both organizations, the crown corporation and the private one, to come under the act, since they both receive public money?

Mr. Pierre Karl Péladeau: As I was with your colleague, I am a bit surprised by what you are asking me. It may have to do with how you see things, but I think it is leading to some confusion. Everything is getting mixed up. The Caisse de dépôt et placement du Québec is being mixed up with CBC/Radio-Canada. Parliamentary credits are being mixed up with tax credits.

We need to be rather mindful and truly honest when we're talking about public funds. Every year, CBC/Radio-Canada receives \$1.1 billion or more in parliamentary appropriations. There are other considerations on top of that, tax credits, subsidies and so forth.

CBC/Radio-Canada receives nearly \$100 million a year under the Canada Media Fund program. We also receive funding under that program, but we put just as much back in. Quebecor Media probably puts more in the fund than it takes out.

As far as Quebecor Media and the Caisse de dépôt et placement du Québec are concerned, the investment fund is a 45% shareholder in Quebecor Media. So whenever it sells its shares, the fund will get back the money it invested and more. Our relationship with the fund goes back 20 years, and that relationship has always been extremely

profitable for the fund. I am confident that will continue in the future.

So, as a Quebecker, you need not worry about Quebecor Media's ability to grow the savings of our fellow Quebeckers.

• (1045)

[English]

The Vice-Chair (Mrs. Patricia Davidson): Thank you.

Mr. Del Mastro, please.

Mr. Dean Del Mastro: Thank you very much, Madam Chairman.

We've certainly had a healthy discussion here today. I think what we've seen on the opposition side is, as I said earlier, an attempted portrayal of equivalence between private companies and public companies. You just indicated that through your other companies you contribute more to the Canada Media Fund than what you receive.

If we're going to start putting all these things into the basket, then we have to acknowledge that the CBC receives much more than just \$1.16 billion, because of course it also gets money from LPIF, the local programming improvement fund, CMF, and otherwise.

The Vice-Chair (Mrs. Patricia Davidson): Mr. Del Mastro, could you wrap up? Your time has expired.

Mr. Dean Del Mastro: Yes, I will.

In regard to yesterday's release the CBC put out, my own feeling is that it was a bit of an abuse of its position as the public broadcaster to indicate what it indicated without actually breaking it out. Do you feel the same way? Was it kind of firing a shot across the bow of anybody else who might question how it is spending taxpayers' money?

Mr. Pierre Karl Péladeau: Yes. What I've been seeing, and again I didn't really have the time to completely think about all this.... I was astonished by the abuse that it has been running on false and malicious information. I've never seen this. Again, we will need to find out what would be the follow-up we will give to this.

Mr. Dean Del Mastro: Thank you.

• (1050)

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much, Monsieur Péladeau, Monsieur Lavoie, and Mr. Sasseville. We appreciate your appearing before the committee this morning.

This meeting is adjourned.

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