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Chair: Mr. Scott Simms



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• (1300)

[English]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): Welcome back, everybody.

This is the 31st meeting of the Standing Committee on Canadian Heritage. We are doing clause-by-clause consideration of Bill C-10.

As we get into it, I now see a whole host of hands, which is now routine for us [*Technical difficulty—Editor*]. How about I just say that I'll go over to the floor, and I see that Mr. Housefather has his hand up.

Mr. Housefather.

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

Having gone through the last couple of meetings in the hopes of trying to come to a consensus, I would like to move a motion, Mr. Chairman.

I would like to move:

That the Committee:

- 1) Will consider all amendments proposed on Bill C-10 and should points 2 and 3 below not have been completed at the time the amendments on the Bill have all been considered, the Committee will pause in its deliberations and not dispose of the Bill until points 2 and 3 below have been completed.
- 2) Ask the Minister of Justice to provide a revised Charter Statement on Bill C-10, as soon as possible, focusing on whether the Committee's changes to the Bill related to programs uploaded by users of social media services have impacted the initial Charter statement provided, in particular as relates to Section 2(b) of the Canadian Charter of Rights and Freedoms.
- 3) Invite the Minister of Justice and the Minister of Canadian Heritage accompanied by relevant department officials to appear before the Committee as soon as possible to discuss the revised Charter statement and any implications of amendments made by the Committee to the Bill.
- 4) Shall take all votes necessary to dispose of the Bill, once points 2 and 3 are completed and all amendments have been considered.

Mr. Chairman, I have sent a bilingual version of the motion to the clerk to distribute to the committee. Then I'll speak to it, when you give me permission and presumably once the clerk has distributed the motion to the committee.

The Chair: What I'm going to do right now folks, just to make sure we're all clear, is give people time to digest this for just a moment. I'm going to confer with the clerk right now to have a look at it and analyze it a bit in a chair's way. Then I'll come back and we'll pick it up from there.

I'm going to suspend for just a few minutes. Please just hang in there for now, for just a few minutes.

Ms. Rachael Harder (Lethbridge, CPC): Mr. Chair, very quickly—

• (1305)

The Chair: Ms. Harder, is this a point of order? Next on the speaking list is Mr. Louis, I'm afraid.

Ms. Rachael Harder: I'm going to ask for a point of order.

The Chair: Please proceed.

Ms. Rachael Harder: In the past when a motion has been presented, we've had it in writing. I'm just wondering whether that's possible here.

The Chair: Yes, it will be. That's one of the things I want to check, Ms. Harder. I want to see whether we can distribute it in writing. I think it's only fair, given the amount of material involved.

All right, folks, I'll just be a few minutes. We'll suspend. Then, next on the list I have Mr. Louis.

• (1305)

(Pause)

• (1310)

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

I'd like to explain to the committee why I'm putting forward this motion.

The Chair: [*Technical difficulty—Editor*] Mr. Housefather.

Mr. Anthony Housefather: Am I not correct, Mr. Chair? Can you not hear me?

The Chair: I'm sorry, Mr. Housefather. Go ahead.

Mr. Anthony Housefather: Can people hear me and can you let me know?

The Chair: Yes. Mr. Housefather, I'm about to say something I say quite often: The problem is not you; it's me.

Go ahead.

Mr. Anthony Housefather: Thank you, colleagues. I don't plan to speak very long.

What I wanted to say is this. We are a committee that has generally gotten along very well. We're a committee that has normally tried to find practicable, pragmatic solutions to see whether we can satisfy everyone's desires. There's been a clear desire to have a charter statement. I think we're all agreed that we want an updated charter statement.

There's a clear desire that we want the Minister of Canadian Heritage and the Minister of Justice to appear before the committee. That again is something I've incorporated into this motion.

We believe—at least I think the majority of the members believe—that there is no reason we shouldn't continue clause-by-clause study, provided that we do not dispose of the bill. That means that until the second and third items in my motion have both happened—namely, that we receive the charter statement and that the Minister of Justice and Minister of Canadian Heritage appear before the committee—we do not take the final votes on the bill. We will stop.

It's possible that we'll do amendments today, and maybe by next week the ministers can appear before the committee and we'll have a charter statement. That may be in the middle of amendments. It may be at the end of amendments. There's no reason that we should completely halt the work of the committee, however, if we all agree on the majority of things: that we need to finish the bill, we need to make sure we have the charter statement and we need to make sure the ministers appear.

I believe that rather than having hours and hours of debate and filibustering and never proceeding anywhere, this motion gets us to where we want to go. I would hope to have the support of my colleagues.

[Translation]

I took into consideration all of my colleagues' requests. I think this is an honest effort to find a balance. It will help this committee continue to operate properly, and it has actually always operated well. At the same time, we will be reassured by the fact that the Minister of Justice will provide a new charter statement. In addition, we will hear from the Minister of Justice and the Minister of Canadian Heritage before the committee votes on the bill. This way, if they note something in the new charter statement or when the ministers appear, the committee members will have an opportunity to propose other amendments.

At the end of the day, this will help the committee move forward. That is the goal.

[English]

We have all worked really well together. I strongly believe that this motion will allow the committee to continue to move forward and work together to fulfill the needs that committee members have expressed and that Canadians have expressed.

Personally, I do not believe that everybody opposed to the bill is an extremist. I do not believe that all people from one party have the same views. Not all Liberals are the same. Not all Conservatives are the same. Not all New Democrats are the same. Not all Bloc members are the same. Everyone has a right to their own views. I think it's important that we look at that, as opposed to judging everybody as part of the team they're on and judging people as either enemies or friends. We're all legislators trying to work together to achieve a common purpose.

To draw back to what Mr. Aitchison and I have said many times, we can disagree without being disagreeable. I found that yesterday

was sometimes quite disagreeable. I'm hoping that today, regardless of our differences and views, we will all be agreeable.

Thank you, Mr. Chairman.

Mr. Martin Shields (Bow River, CPC): Mr. Chairman, I have point of order.

When we are in committee in person, we often ask for a few minutes' break when something has been dropped on the table. I ask that you give us 10 or 15 minutes, because we need to have time to look at this [*Technical difficulty—Editor*] when we're in person. Can we have that opportunity at this point?

• (1315)

The Chair: You're absolutely right, Mr. Shields, that we do that on occasion. We do it quite often. I'm going to grant you that. It may not be a point of order, but it's a point worth mentioning, if that's a thing.

I'm looking around. Is everybody okay with this? Okay. How about we come up with a time of about five to 10 minutes? When you're ready to come back, please put yourself back online and I'll judge accordingly. How about we do it that way?

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

The Chair: Thank you, Mr. Shields.

We'll suspend for a few minutes.

• (1315)

(Pause)

• (1325)

The Chair: Welcome back, everybody, after our little break. It's good to see you again.

When we departed, Mr. Shields had requested and we granted the break.

Mr. Louis now has the floor.

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

I appreciate the time, but in the interest of moving things forward, I believe my colleague has said everything I would have said anyway, so I would cede the floor.

Thank you.

The Chair: Ms. Harder.

Ms. Rachael Harder: Thank you.

I understand the intent of this motion, which would be to proceed to looking at the clauses within the bill as they stand now. The member is suggesting that we would then go back at the end and we would seek a charter statement at that point in time. He's committing that, if there are any changes that would be needed, they could be done at that time.

I just think it's worth noting, however, that in order to go back and visit those clauses that have been carried, they can only be revisited with unanimous consent. If we get to that point where we've gone through this bill from start to finish and then we get a charter statement that tells us it's not compliant, the only way we can make changes is if we have unanimous consent. That then allows certain individuals or parties to hold this bill hostage and to have veto power to determine that actually, no, they're not going to let us go back and make changes.

That seems a little scary to me. I don't know that I trust the intent of the Liberal Party with this bill, with all due respect, Chair. I haven't seen evidence that would suggest that I should be able to trust their intentions. For days on end, Minister Guilbeault, the Prime Minister and the parliamentary secretary insisted that this bill was crystal clear in terms of its protection of individuals' content posted online. After several days of insisting on that, it was then stated that amendments would be brought forward in order to make it "crystal clear".

That is a little wishy-washy. Having done that, it makes me question, first off, the intentions of the party that put forward this bill—the governing party. It also makes me question their commitment to following through on their word because they've told Canadians they're committed to protecting their content, yet this bill doesn't do that.

Further to that, when I read the amendments that were suggested yesterday that would make it "crystal clear", there are legal experts who are coming out, including two former CRTC commissioners, who are saying that, no, the amendments that are suggested by Ms. Dabrusin actually don't clarify this piece of legislation. They don't bring greater clarity. They actually muddy the waters further. They don't provide the protection that Canadians are seeking.

That's a problem because then it begins to feel like the Liberal members are trying to mislead the members of this committee and mislead the Canadian public. Again, that's a problem.

● (1330)

Mr. Anthony Housefather: I have a point of order, Mr. Chair.

I believe those comments were unparliamentary. That was an accusation of misleading the Canadian public.

The Chair: Yes. I think we're in a position now where we're all familiar with each other enough to police ourselves and the language we use. We know there has been several rulings in the House of Commons about unparliamentary language. Let's be careful with that, please. Try to be respectful.

Thank you for the intervention, Mr. Housefather.

Ms. Harder, the floor is still yours.

Ms. Rachael Harder: Mr. Chair, I would withdraw my language and I would say it seems that the honourable members are attempting to mislead the Canadian public and those who are at this committee table.

What has been said is that they wish to make this legislation "crystal clear", but before that they said it already was crystal clear. I don't know how it can already be crystal clear, and they need to bring forward amendments to make it crystal clear. Those two

things don't jibe. They don't come together. They can't both stand and be equally true.

That being the case, my point, Mr. Chair, is that we now have a commitment from the member who brought forward this motion. That commitment would be that we're going to go through this clause by clause. At the end of that, we're going to seek a charter statement. Then, at the end of that, we can make changes if we want to.

I haven't been provided any sort of reason to trust that. According to our standing orders, once a clause is carried, it can only be revisited with unanimous consent. If we decide to go back to those clauses and attempt changes to strengthen this legislation, it is very easy for the Liberal members at this table to withhold their consent. If they do that, they hold veto power and holding veto power then means this legislation would have to move forward in its flawed form.

I'm not okay with that, but more importantly, Canadians are not okay with that. They've spoken out and stated that they wish for their charter rights to be protected, which again is why that charter statement is so important to have from the very beginning. I think the fact that we would keep that from happening—that we would not pursue that statement or seek that legal opinion—puts us at a huge disadvantage as members of this committee. Again, further to that, it puts the Canadian public at a huge disadvantage.

Rather than seeking to protect the Canadian public's rights and freedoms, I believe we would be acting in a manner that puts them in jeopardy. I believe that opinion is necessary now, before we continue. It will help us to strengthen this legislation and protect their charter rights, particularly under section 2(b).

Further to that, I'm not the only one who is saying these things. Yesterday, I made a statement with regard to what experts are saying. Of course, they are raising significant concerns with this legislation and they want their voices to be heard.

Now that was yesterday, and I think, Ms. Dabrusin might say, "Well, that was yesterday", but now there are some amendments suggested that might be brought forward. They aren't yet on the table. They aren't being considered in any way but they've been suggested. Those amendments, it has been suggested by—

● (1335)

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): I have a point of order, Mr. Chair.

As a point of clarification, there was an amendment that was moved yesterday and that was on the floor.

The Chair: That is correct, Ms. Dabrusin.

Ms. Harder, it was G-11.1. That was one of the amendments that she suggested. That's what was in discussion when we adjourned yesterday.

Ms. Harder, you have the floor.

Ms. Rachael Harder: Thank you.

There have been a number of articles written with regard to the suggested amendment. In those articles, there have been interviews that have been done by Dr. Geist, former CRTC commissioner Peter Menzies, who has been quoted, and others who have long-standing careers in looking at these things very closely and being able to offer credible opinions.

One particular article or post that was put out by Dr. Michael Geist says the following:

Last night at a somewhat strange Canadian Heritage committee meeting, Liberal MP Julie Dabrusin brought forward the promised amendment. Only rather than confirming that the content that people upload on social media won't be considered as programming under the Broadcasting Act, it does precisely the opposite. First, the new amendment does not restore the Section 4.1 exception that had been touted as a safeguard against regulating user generated content.

It does not bring back that protection. He continues:

Second, not only does the regulation of user generated content remain in place—

In other words, a direct infringement on our rights and freedoms....

—but the amendment confirms the CRTC regulatory powers, including a new power specifically designed for social media.

It is interesting. This committee was led to believe, and the Canadian public was led to believe, that these amendments would somehow bring further clarification and further protection, but actually, Dr. Geist is saying that the opposite is true. He's actually saying that the new powers are specifically designed to help social media content be regulated even further.

Mr. Chair, I understand that I cannot say outright that the member is trying to mislead the Canadian public or that the Prime Minister is outright trying to mislead the Canadian public, but I can say that, based on what I'm reading, based on the evidence, it would sure seem that this is the case. I find that troublesome. I find that very troublesome.

I find it very troublesome that we would be told that amendments are coming forward to help make this crystal clear, but—don't forget—it didn't even need those amendments. It was perfectly fine before. Nevertheless, there were amendments brought forward in order to make it crystal clear, and those crystal clear amendments seem to be making it more muddy than ever.

This is a mess, and those aren't actually even my words. Those are the words of experts. Dr. Geist is asking that this bill be totally kiboshed and that we do a redo.

He goes on to say the following:

In other words, rather than backing down in the face of public criticism, the government is doubling down on its Internet regulation plans.

Again, this is Dr. Michael Geist. He is an expert in this area. I learn a lot from him. He helps me understand this legislation. I'm very thankful for him because it is certainly complicated. I can see where members of this committee and the Canadian public might find it difficult to comprehend all of the language within this bill as it exists, as well as the amendments that are brought forward. However, I believe that it's important then to turn to experts such as Dr. Michael Geist and to rely on the information they provide.

What he is saying is that these regulations, the amendments that have been brought forward, would allow—not just allow but actual-

ly insist—that social media platforms prioritize some content over others.

● (1340)

In other words, the government will direct the CRTC, which will direct social media platforms to give preference to some content over others. If you like dogs, dog videos get to stay on. If you don't like cats, the cat videos have to go. Maybe you don't really care for a policy that's brought forward by the Liberal Party of Canada. We don't want you speaking out about that, so that video has to come down. Maybe you want to hear people talk about the importance of planting poplar trees, so you let that video stand.

I understand that one of the honourable members in particular is laughing at this, but I don't know that this is laughable. I don't know that it's laughable to attack the charter rights of Canadians, to impose upon them a regulatory measure that would only allow certain material to remain standing and insist that other material be taken down.

I don't know that Canadians think that's funny. I think they value their charter rights. I think, in particular, they—

Mr. Anthony Housefather: I have a point of order. I have two, Mr. Chair.

Number one, this is the second time that Ms. Harder referred to members allegedly doing something. As we know, only the speaker is on the screen, Mr. Chairman. I don't believe that you are allowed to refer to what people may or may not be doing when they're not visible to the public. That's number one.

Number two, I've been listening very carefully to my colleague. While she's making comments about the bill—and she's very welcome to make comments about the bill—she has not spoken to the amendment or the motion on the floor in particular for 11 minutes now. I do believe that no matter how far you allow people to stray, Mr. Chairman, this is going quite far.

Thank you, sir.

The Chair: Ms. Harder, yes, on point number one, that is true. When it comes to the House of Commons, we don't like to point out that people are either present or not within the context of the meeting that is here. Now, in a virtual world, sometimes these rules get changed as we move along. I would ask that people refrain from doing that as a common courtesy, as much as it is part of the new procedures in this virtual world.

On the second point, yes, as Mr. Housefather points out, I am one who allows a field of flexibility that is probably more than any other chair. However, Ms. Harder, he does have a point about the time that has been consumed thus far. If you could veer back towards the motion and that field of focus, it would be greatly appreciated. Thank you so much.

Ms. Harder, you have the floor.

● (1345)

Ms. Rachael Harder: Thank you, Chair.

Again, I would contend that it is unhelpful, possible but unhelpful, to consider the motion that has been brought forward without understanding the greater context of the bill. After all, the motion is being brought forward in reference to the bill, the legislation. The fact that all of my points have been directly related to Bill C-10, I believe, puts me on the right track and within the confines of what this is all about.

I'll go back to Dr. Geist because, like I said, I think he has some very helpful things for us to consider. He goes on to say:

The amendments establish some limitations on regulation that restrict what the CRTC can do with regard to user generated content, but the overall approach is indeed "crystal clear."

He goes on to explain what that crystal clear looks like. He says:

User generated content is subject to CRTC regulation under Bill C-10 with the result that the content of millions of Canadians' feeds on TikTok, Instagram, and Youtube will now be CRTC approved as it establishes conditions to mandate discoverability of Canadian content.

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

Yes, I'm just making sure that we are sticking to the motion. I thought you made it clear that was the route we were going to take. I'm just making sure that's what we're doing. It doesn't seem that way to me.

The Chair: As I said before, let's get back within the field range of what this is about.

Ms. Harder, you have the floor, please.

Ms. Rachael Harder: Let me revisit the motion here. I'll just read it out loud so that we all understand what we're talking about and I can also refresh my own memory. It says:

That the Committee:

- 1) Will consider all amendments proposed on Bill C-10 and should points 2 and 3 below not have been completed at the time the amendments on the Bill have all been considered, the Committee will pause in its deliberations and not dispose of the Bill until points 2 and 3 below have been completed.
- 2) Ask the Minister of Justice to provide a revised Charter statement on Bill C-10—

Good. We're talking about Bill C-10. That's good.

—as soon as possible, focusing on whether the Committee's changes to the Bill related to programs uploaded by users of social media services have impacted the initial Charter statement provided—

We're talking about social media use. We're talking about the regulation of those programs. We're talking about a charter statement. Got it.

—in particular, as it relates to Section 2(b) of the Canadian Charter of Rights and Freedoms.

That's great. We're talking about the Charter of Rights and Freedoms too.

- 3) Invite the Minister of Justice and the Minister of Canadian Heritage accompanied by relevant department officials to appear before the Committee as soon as possible—

I love that language. It's so descriptive and precise.

—to discuss the revised Charter statement and any implications of amendments made by the Committee to the Bill.

- 4) Shall take all votes necessary to dispose of the Bill—

Now interestingly enough, "all votes necessary" would mean basically just one vetoed vote after another.

—once points 2 and 3 are completed and all amendments have been considered.

Good. I've refreshed my memory, I now understand the scope of this amendment and I believe that everything I have talked about thus far still fits within this amendment, so I will proceed.

Dr. Geist.... I'm sorry, folks. I got interrupted. I'm going to start over.

In his statement, he said:

The amendments establish some limitations on regulation that restrict what the CRTC can do with regard to user generated content, but the overall approach is indeed "crystal clear." User generated content is subject to CRTC regulation under Bill C-10 with the result that the content of millions of Canadians' feeds on TikTok, Instagram, and Youtube will now be CRTC approved as it establishes conditions to mandate—

• (1350)

Mr. Anthony Housefather: On a point of order, Mr. Chairman, I believe we've had this discussion before.

While it was very nice that Ms. Harder read out my amendment and said some nice things about the precision of the wording, I believe she's now back on Mr. Geist's comments about the bill itself, not the amendment. I really would invite you, Mr. Chairman, to ask her to please speak to the amendment and not to Mr. Geist's comments on the bill.

Thank you, Mr. Chairman.

The Chair: Yes, as was pointed out, Ms. Harder, if Dr. Geist has anything in particular to say about the motion that is in front of you, I have no doubt we'd love to hear it, but it has to be at the very least tangential to it, if not connected to it.

Thank you very much. You have the floor.

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

Again, the motion that has been put forward has to do with Bill C-10 and it has to do with whether or not we are going to continue to consider it in its current state and then, at the end, ask for a charter statement, or if we are going to vote this down and go with the amendment that I've proposed, which is to stop this imminently and seek that statement now. Perhaps we are going to go with neither of those motions. Perhaps there's a different motion that someone else would like to bring forward, or perhaps we'll just continue as if there is no motion at all.

Again, it is impossible to talk about this motion and my position on this motion, which I believe is what this debate is all about...allowing me to state my position and to try to rally support. It is impossible to do that without actually diving into Bill C-10. It would be irresponsible of me.

In order to make an educated decision, it is important to consider the things that experts are saying, so that's what I'm doing. I'm providing context and I'm making my argument, stating my position, which I believe, as an elected member of Parliament, I am permitted to do.

Of course, I believe I am also permitted—although this might be censored as well, soon, but I don't think it is yet—to use the words of another and to quote him in my statement.

Dr. Geist makes it really clear, then, that the content of millions of Canadians—the things that they post on TikTok, YouTube and Instagram—would in fact be regulated. That content would be mandated to discoverability criteria, which then would allow for some content to be prioritized over other content.

Again, that's a problem. It's a problem because it allows some values to be set at a higher place than others, which is an imposition on people's freedom.

If we were to seek a charter statement, it would allow us to understand the implications of the bill as it stands.

Ms. Marci Ien: I have a point of order, Mr. Chair.

Again I'm just looking at the parameters of this and at staying within those parameters, Mr. Chair, and making sure that we're doing so.

Thank you.

The Chair: Thank you.

Ms. Harder, I notice that section 2 of this particular motion says “particularly as it relates to section 2(b) of the Canadian Charter of Rights and Freedoms” and so on and so forth.

Yes, I understand what Dr. Geist had to say and about the charter, but you need to tie both of those ideas into this particular motion.

You have the floor.

• (1355)

Ms. Rachael Harder: Thank you.

I'm not sure how it could be more directly related to the bill than when I'm talking about the results of our moving forward at a rapid pace versus rolling it down and seeking a charter statement now.

That's the statement that I was making when I was interrupted by the member. I'm sorry. I'm just not sure how I could be more in line with what this motion is about. I think that's the entirety of the motion.

I'm happy to go back and read it again, if that would be beneficial, but I think there's probably no one here who would like me to do that, so I'll just continue with making the points I was making before.

If we move forward with this bill, if we move forward with the legislation as it stands now, it would mean that in Canada the Internet is regulated to a greater extent than in any other country in the world.

Mr. Anthony Housefather: On a point of order, the Internet's being regulated to the greatest extent in the world has nothing to do with the motion before us, which is a procedural motion as to how the committee should proceed.

I respectfully would say that had we moved forward and canvassed the members, we could have voted both on my motion and

then, if it failed, on Ms. Harder's by this point. This is purely a filibuster, Mr. Chairman, and she's straying so far from the—

The Chair: Mr. Housefather, before we get into a matter of debate, which is where we have drifted, let's also realize that there's flexibility within the preamble of what she's saying, and she's linking it to the motion. I think she started out on something rather new, but I do not want to presuppose where people are going in their logic. Goodness knows mine goes madly off in different directions on occasion.

I'm going to give some leeway at the beginning of her thoughts to tie it all together. If she doesn't, I will look for her to do just that.

Thank you, Mr. Housefather.

Ms. Harder, you have the floor.

Ms. Rachael Harder: Thank you.

It is contended that there is good reason for not regulating the content that individuals post online, because it does implicate freedom of expression and raises a ton of questions with regard to how these social media companies will determine what content should be prioritized over others.

For this bill to put power into the hands of the CRTC to regulate social media platforms—

Mrs. Lyne Bessette (Brome—Missisquoi, Lib.): I have a point of order, Mr. Chair.

[*Translation*]

I think a debate gives different individuals an opportunity to express their opinions and make arguments. So I do not think we are having a debate right now. Perhaps we should see it that way.

Thank you.

[*English*]

The Chair: Was that to clarify why we're having a debate, Madam Bessette? Did I hear that correctly?

Mrs. Lyne Bessette: No. I will say it in English. I said that I'm not seeing this as a debate, because there's only one person speaking. A debate is multiple people giving their opinions on different arguments.

The Chair: Madam Bessette, Ms. Harder has the floor.

Mrs. Lyne Bessette: Okay.

Ms. Rachael Harder: Thank you.

It's interesting that a number of members from the red team have determined that my voice should not be heard, that I am somehow out of line and that the things I am discussing somehow miss the mark in terms of this motion. If you recall, just a few months ago, at the ethics committee, Liberal members initiated a debate on boxers versus briefs.

I find it interesting that somehow that had to do with the WE Charity Foundation and money that was given—

• (1400)

The Chair: Ms. Harder, I think I may take the initiative on this one. I appreciate where you're coming from. I've been in enough filibusters in my life to surpass the years I spent in high school, and that's quite a lot. However, to be quite honest with you, I think I addressed what Madam Bessette said.

How about you stick to the motion and I'll deal with any objections that come forward? Thank you very much. I enjoyed the question, but nevertheless we have to move on.

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

I would be happy to continue. Thank you. I appreciate it.

As I was saying, it is a widely held belief in free countries that the content individuals post on social media should not be regulated, because as soon as it is regulated, it becomes an imposition on their freedoms. Then we go down a path of censoring what is okay and what is not okay to be said, what is okay and what is not okay to be expressed, what is okay and not okay to think or feel, what things are okay to like and what things are not okay to like.

The government talks about Canadian content. Then they talk about preserving “social culture” or “Canadian culture”. Who defines these things? I am curious. Who is going to be the arbiter of what preserves Canadian culture? Since when is respect for the Canadian Charter of Rights and Freedoms not considered an utmost point within protecting Canadian culture? Shouldn't that be the very first thing we would want to do, if we truly desire to preserve Canadian culture? Should we not then want to allow Canadians the freedom to express their opinions, to hold their own beliefs and to put up a video they wish to post?

I understand, when we go down the road and we get into things like hate speech.... I understand that. That's why we have the Criminal Code. The Criminal Code protects people from such things as hate speech. What we're talking about here today, however, is the content that an individual posts on their social media page, because it's the public square. That's where they engage in conversations with friends and family and the general public. The content that individuals post there, the things they say there, the videos they share, the beliefs they express, should not be subject to regulations. This bill would mandate that this would in fact be the case.

It has been raised by many that this implicates freedom of expression and that it raises a huge number of questions with regard to people's charter rights.

For us to continue considering this bill in its current state would be a mistake, because then we would be considering this legislation as it stands now. It has already been stated clearly, by multiple experts on the topic including former CRTC commissioners, that this legislation goes too far, that it is overreaching and that it infringes upon the rights and freedoms of Canadians.

To suggest that we keep going and then, once we get to the end, seek a charter statement, and even then, once we have that charter statement.... To go back and make changes wouldn't necessarily be permitted. It's not guaranteed that we will get to make those changes, because making those changes would require unanimous consent from the members around the table.

Canadians don't want us to go there. Canadians don't want us to bind our hands, and that's exactly what would be happening. We'd be handcuffing ourselves.

It's better that we get the charter statement now, before continuing. If we get that charter statement now—if we seek that legal opinion before continuing—it allows us the opportunity to then consider this bill under that precedent. Then we can make the changes that are necessary as we go along. The ability to do that then allows us to rightly protect the precious freedoms that Canadians hold.

• (1405)

It is incumbent upon us to push the pause button. It's incumbent upon us to seek that refreshed charter statement, now that proposed section 4.1 has been removed and the dramatic change that results from that. Canadians deserve that. Canadians deserve to have their voices heard. Canadians, more importantly, deserve to have their rights and freedoms protected. Canadians deserve the ability to express freely their opinions and their beliefs and to be able to participate in what is now the new public square.

They should be able to do that, free from having their content scrutinized, regulated, taken down or bumped up in priority, based on what the CRTC, and whoever within the CRTC becomes the czar of truth, determines. Canadians deserve better than that.

The motion in front of me, which calls for us to continue and promises, at the end, that a charter statement will be sought and that the committee will hear from the Minister of Justice and the Minister of Canadian Heritage as soon as possible to discuss the revised charter statement, that motion is not good enough. It's just not. It's not good enough for Canadians. They deserve better.

Rather than proceeding with that motion—or rather than voting in favour of that motion, I should say—I would suggest that we seek the charter statement now, before continuing rather than at the end.

I think I'm done for now.

The Chair: Monsieur Rayes.

[*Translation*]

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

Before I begin my intervention, I would like to mention two minor things.

First, I would like you to tell me what order we are speaking in, considering all the raised hands I am seeing.

Second—

[*English*]

The Chair: Mr. Rayes, I'm sorry—

[*Translation*]

Mr. Alain Rayes: I think we have a problem with the interpretation. Don't we?

[English]

The Chair: I think we have.... Could you just tell me about your riding again. In one sentence, tell me how wonderful it is so that we can do a test.

Mr. Alain Rayes: I'm sorry. I don't have interpretation.

The Chair: Is everybody...?

[Translation]

Mr. Alain Rayes: It's fine, the interpretation is working now.

[English]

The Chair: Okay, it seems we're clear.

Monsieur Rayes, go ahead please.

[Translation]

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

I was saying that, before I begin my intervention, I have a question and a request.

First, considering all the raised hands I am seeing, could you tell us in what order the speakers could take the floor, be it here by the end of today's meeting or next time, when we continue the debate?

Second, as the meeting has been going for an hour and 10 minutes, I would like to take the five-minute break you allow when we request it. After the break, it would be my pleasure to talk to you about my honourable colleague Mr. Housefather's motion.

• (1410)

[English]

The Chair: Thank you, Mr. Rayes.

I'm going to take you up on that bio break if everyone is in agreement, for five minutes. Before I do that, very quickly, I'll say, if you look at the side of your screen, your name automatically goes to the top if you do something. My screen here, however, has the actual list of people who did key in when they were supposed to key in, or tap in—whatever the right word is.

Right now, sir, I have you. Following that, I have Mr. Champoux, Mr. Aitchison, Mr. Manly, Ms. Dabrusin, Ms. Ien, Madam Bessette, Mr. Louis, Ms. McPherson, Mr. Waugh and Mr. Shields. Apparently, everybody's talkative on a Friday afternoon. That's quite a list.

Folks, we'll pause for five minutes or less. I'll look for you to come back on screen, and we will reconvene.

• (1410)

(Pause)

• (1415)

The Chair: We'll resume.

Welcome back, everybody, from a little bio break. It's good to see everyone.

Let's go back to Mr. Rayes.

[Translation]

Mr. Alain Rayes: Mr. Chair, thank you for the opportunity to speak to the motion of my colleague Mr. Housefather.

As I said before when I took the floor, I really like Mr. Housefather, and not only because he is a Quebecker and a Canadian. The openness he has shown in various debates and his willingness to work in partnership have often been highlighted by the members of all parties in the House of Commons. However, that does not mean we are always in agreement. I see him smiling; he knows what is coming. I don't have only praise for him, but I don't want to criticize him, either.

Before I begin, I want to come back to the fact that he raised a point of order to underscore that, had my colleague not taken time to speak, the committee could have already voted on his motion, and even on Ms. Harder's motion, if necessary. I have two things to say to him. First, we would have liked to vote on Ms. Harder's motion, but the Liberals ended the debate by moving a motion to adjourn. So we did not even have the opportunity to do that. Second, since the beginning, we have been calling for the committee to suspend its operation, while waiting for the Minister of Justice to provide us with a new statement and for the two ministers to appear before the committee. Had this proposal been agreed to, we would have already had the minister's new statement and we would already be working on the amendments to the bill—in other words, proceeding with the clause-by-clause consideration of the bill.

However, that is not the decision the committee made. A motion to adjourn was proposed to end the discussion on Ms. Harder's motion, even though the NDP and the Bloc Québécois had proposed an amendment to impose a deadline on the minister to quickly submit a new statement to us, so that we could continue our work.

We are now dealing with a new motion. Some people feel that this is an acceptable compromise to Ms. Harder's proposal. The motion enables us to continue with the committee's operations and to avoid slowing the process down. What is more, depending on the minister's new statement, we will have an opportunity to propose new amendments, as needed, at the very end of the process.

That said, Ms. Harder highlighted one of the major flaws of Mr. Housefather's motion. I sincerely don't think that Mr. Housefather acted in bad faith. I think that, when he moved his motion, he truly wanted to find an acceptable compromise, so that we could get back to our clause-by-clause consideration of this bill. Nevertheless, an element was forgotten, although I am sure it was not intentional. We found that flaw upon reading the *House of Commons Procedure and Practice*—the big green book.

The motion proposes that we work together on amendments before we even get the minister's statement on the central element of this debate, the deleting of the initially proposed clause 4.1. After we finish our work, if, in light of the minister's statement and despite the amendments that have been adopted or rejected, we note that the bill still has real flaws, we could amend the bill further. However, since we need unanimous consent to return to an amendment, members of the government or of another party will have the power to block the process.

I think that is the motion's major flaw. We are not pausing committee work while we wait for the statement from the Minister of Justice and hear from him and the Minister of Canadian Heritage, as it was requested. The motion also does not impose a deadline to avoid this taking too long. A deadline would help our work mover forward nicely, as the case was before the fateful moment when clause 4.1 was deleted and clause 3 of the bill was proposed.

I want to tell people who are listening to us that this is not a debate between culture and freedom of expression. Those are two important elements. We all agree with defending culture. Unfortunately, the minister and his parliamentary secretary, I think, are saying things in the media that are misleading us. I apologize, Mr. Chair, I should not be saying this. Even the minister tried to accuse me of misleading people during question period, and he had to apologize for that. Let's rather say that the wrong message is being sent to cultural stakeholders by making them believe that culture is not important to us. Our desire to defend freedom of expression, which is the very foundation of our job as members of Parliament, is implying that we are opposed to culture, and that should not be the case now.

This is why it is important to clarify that matter before going further. I am personally not comfortable continuing the process, knowing that, at the end of the day, we may not be able to make the amendments we deem necessary, based on the Liberal minister's statement, to protect users who generate content on social networks.

• (1420)

This is not about creating a war between major social networks, on the one hand, and users, on the other hand. I think users' freedom of expression must be protected and precedent setting avoided. We must avoid a well-meaning group being able to decide what is good and what is not. I think this is important and want to point it out.

My colleague Mr. Shields felt the need yesterday to show his love for culture. I also felt that need. I was sincerely offended, upset and shocked to see our will to protect the French fact and Canadian culture questioned. In reality, we have been responsive to organizations in these areas. We have even proposed a number of amendments and subamendments that show this.

Two weeks ago, a shocking event occurred that no one saw coming. On a Friday afternoon, with no warning, the government proposed that a clause from Bill C-10 be deleted. That took us by surprise. The change caused a huge outcry across Canada by citizens, experts and university professors. Some well-known experts have already been named, but I could name some others. I took the time to name a few during oral question period.

Among those who are often named is Peter Menzies, former commissioner at the Canadian Radio–television and Telecommunications Commission. He made a scathing comment, which is making me reluctant to support Mr. Housefather's motion. I am not fully convinced that we could ultimately make changes to the amendments, as that would require the committee's unanimous consent. So I implore my NDP and Bloc Québécois colleagues to be careful about this element, which I did not see coming right away either, when we received in our emails the idea of Mr. Housefather's amendment.

Mr. Menzies said this was a full-blown attack on freedom of expression and the very foundations of democracy. He finds it difficult to understand the level of pride or incompetence, or both, that may lead someone to believe that such an infringement of rights is justifiable. Those are pretty strong statements from someone who has been commissioner of the CRTC, when we consider all of that organization's powers.

Michael Geist was all also named numerous times, and I will talk to you about him a bit later to explain why Mr. Housefather's motion worries me. Mr. Geist said that this was the most anti-Internet government in Canadian history. Unfortunately, I have still not heard any Liberal members attack Mr. Geist by saying that his statements were demagogic or inappropriate. I don't know whether the Liberals are afraid of provoking him or they are all simply fully aware of his expertise level and of how right he is. It is true that, every time an issue is raised in his area of expertise, Mr. Geist is quick to react thanks to his relevant knowledge on international matters.

So I would like people to stop saying that we are opposed to culture because that's not true. Here is what I have to say to the committee members and to people listening to us. The government has been in power for six years. It prorogued Parliament for reasons I don't want to get into, as I will be told that I am getting off topic, but there have been scandals related to the WE Charity, which the government wanted to bury by trying to halt the project.

By the way, some are blaming us by saying that we are now filibustering. However, if we look at the list of committees, we see that a number of them currently have their work completely blocked because the government wants to avoid discussions on Liberal scandals, such as the allegations against Mr. Vance, the WE Charity, and so on.

We are speaking out to defend freedom of expression. I don't feel that I am filibustering, but rather fighting for Canadians who feel that Bill C-10 attacks their freedom of expression.

What I am getting at is that the Liberals have been in power for six years, and that is how long it took them to introduce this bill.

We have been debating in committee without issues since the beginning. I challenge anyone to find a single moment, before the proposed clause 4.1 was deleted, when the consideration of the bill was delayed. Despite what the minister and his parliamentary secretary said in the media and on social networks, can a single moment be found when the legislative process, which is managed by the government leader and his team, was delayed?

We agreed to conduct a preliminary study of the bill, so that the committee would start hearing from witnesses at the same time as members were using their legitimate right to express themselves on the bill in the House of Commons. Some felt that the bill was incomplete, or that it was a bad bill, while others thought the bill was basically good, but they wanted to improve it through amendments. Everything was going well, even in committee. Liberals were supporting Conservative amendments, the NDP was supporting the Bloc Québécois amendments, and vice versa.

Mr. Chair, I am hearing the interpretation in English.

It's okay, I think the problem has been resolved.

• (1425)

[*English*]

The Chair: Yes, I think it has been corrected now, Mr. Rayes.

Please continue.

[*Translation*]

Mr. Alain Rayes: I was saying we have been waiting six years for the Liberal government to bring forward this legislation.

Everything was going smoothly. The minister was the one who gave the instruction to remove an element from the bill. In a major interview, he couldn't even explain why the section had been included in the first place or why he had asked for it to be removed. Then, he assured us that everyone would be protected. Two or three days ago, the minister announced in a tweet that further amendments would be brought forward to clear everything up. Then, we—not the minister—are accused of lying and misleading Canadians when we say that the bill does not protect users. The Liberals, however, are the ones bringing forward further amendments in an effort to remedy the problem they, themselves, created by removing the section. That means they put forward bad amendments, on top of it all. I find that worrisome.

To be frank, as I said at last night's meeting—which was added—I have lost confidence in the minister. As happens in regular life, we sometimes lose faith in friends and loved ones, so that confidence has to be rebuilt. People often say it takes years to build a friendship but only an instant to destroy it. It is incumbent upon the minister to regain that confidence. It is up to him to show us that he is being sincere, and the best way to do that is to not stand in the way of the committee hitting the pause button for a few days.

I would say that, since we started talking about this, the Minister of Justice has begun preparing a written opinion. He has to consider everything that is going on to prepare that opinion. Like the Minister of Canadian Heritage, he must have a multitude of public ser-

vants and political advisers watching each of our meetings to know what's being said. Regardless, in his motion, Mr. Housefather is ultimately calling on the minister to issue a new opinion.

If the bill is as clear as the government says, why not take a short pause, so we can get everything cleared up and go back to making good progress like before?

Some are even saying we should go back to the drawing board. That says a lot. The loss of confidence is so great that some experts on the Canadian Charter of Rights and Freedoms and freedom of expression are starting to point to a serious problem. Are we being hoodwinked? It feels that way. That confidence goes to the heart of this very work, as we try to get answers to all of our questions.

Mr. Housefather's motion suggests a genuine desire to find a compromise, but a compromise in response to what? We already had a compromise, and everything was going fine.

The government caused all of this by deciding to remove proposed section 4.1. Had the government not done what it did, we might have been finished our study of Bill C-10 by now. Nevertheless, the mistake was made, and it has to be fixed. We need a new opinion from the minister before we can go any further. What's a few days after a six-year wait?

Enough with the accusations that we are pushing culture to the side and that we don't want to help those in the sector. We even submitted a unanimous report regarding our study on the impacts of the COVID-19 pandemic on the arts, culture, heritage and sport sectors so the government could make good budget decisions.

The organization Friends of Canadian Broadcasting had even raised a red flag over proposed section 4.1, pointing out that it also applied to users, so they needed to be protected. The organization did not recommend removing the proposed section altogether. Worst case, it could have been amended, if necessary.

The minister was aware of those positions and explanations. He consulted the same groups we, the opposition parties, consulted before we got to this point.

I am very concerned about where the committee goes from here. It's clear where things are headed. Some would have us keep going, amendment by amendment, but freedom of expression is too important of an issue to sidestep.

• (1430)

I repeat: this is not about pitting culture and freedom of expression against one another. We must stand up for both. The Minister of Justice issued a charter statement relating to freedom of expression on November 18 or 20 of last year. I don't recall the exact date, but it's available on the federal government's website. The people following our proceedings right now may not know this, but every single government bill has to undergo a review by the Minister of justice for consistency with the Canadian Charter of Rights and Freedoms.

The minister issued his recommendation taking into account proposed section 4.1, which the bill would have added to the Broadcasting Act. Now that the proposed section has been deleted, the opinion has no leg to stand on. It's like pulling the foundation out from under house. It reminds me of that game where you construct a tower with a bunch of wooden blocks. Those who have played before know how it works: players pull out blocks one at a time, but as soon as someone pulls out a block from the bottom, the tower comes crashing down. Allowing this to go forward would be akin to cheating, holding up the tower with our hands to keep it from crumbling.

We are asking for a pause. We want the Minister of Justice to quickly issue a new opinion so we have the clarity we need to move forward. It would show a modicum of good faith to put Mr. Housefather's motion aside and move forward accordingly.

Why do I say that?

I brought up Peter Menzies earlier. After our meeting yesterday, comments were posted on Twitter. I'm sure all the committee members read what he posted, given his eminent expertise in the field. I will try to recap what he said.

Mr. Menzies wondered how Mr. Guilbeault's amendment to Bill C-10 clarified the CRTC's regulation of user-generated content. He stated that, for the past week, the Minister of Canadian Heritage, Mr. Guilbeault, promised to address widespread concerns over Bill C-10, the bill to reform the Broadcasting Act. After the issue became the subject of growing debate in the House of Commons, Mr. Guilbeault indicated that the Liberals, too, wanted to make sure content uploaded by users to social media would not be deemed programming under the act and thus not be regulated by the CRTC. He added that that was why the Liberals would be bringing forward another amendment to ensure that this was absolutely clear.

The Prime Minister reiterated the message on Wednesday in the House of Commons, saying and I quote:

We have been clear that this is not about individual users or about what individual Canadians post online. As the Minister of Canadian Heritage said, we will be bringing forward an amendment to ensure that this is absolutely clear.

He had just contradicted his own minister, who actually contradicted himself by denying that users were impacted by the removal of proposed section 4.1 from the bill.

I want to cite Mr. Geist, because the sequence of events is crucial to understand why we cannot keep dealing with the bill one amendment at a time and hoping for unanimous consent in the end to revisit certain amendments. It would be more reassuring if the Liberals were to agree in writing, in the presence of counsel, to give us the ongoing ability to revisit amendments at the end of the process, should we wish to propose others. I doubt they would, however.

Last night, at a somewhat strange Canadian heritage committee meeting, Liberal member Ms. Dabrusin, the Parliamentary Secretary to the Minister of Canadian Heritage, brought forward the promised amendment. Instead of confirming that the content Canadians upload to social media would not be deemed programming under the Broadcasting Act, the amendment does precisely the opposite.

First, the amendment does not reinstate the exception that was set out in proposed section 4.1, which was touted as a safeguard against the regulation of user-generated content. Second, not only does user-generated content continue to be subject to regulation, but the amendment also confirms the CRTC's regulatory authority, including a new power specifically designed for social media. In other words, instead of backing down in the face of public criticism, the government doubled down on its plan to regulate the Internet. It's madness.

I am trying to untangle it all. The minister and his officials initially proposed adding section 4.1 to the act to protect users, but then took it away on the pretext that users were protected regardless. At the end of the day, that is not true, and the government is putting forward a new amendment. According to the experts, the government is actually making things worse with its new amendment, G -11.1

● (1435)

We agreed to set amendment G-11.1 aside in order to consider Mr. Housefather's motion.

As Mr. Geist, a law professor at the University of Ottawa and subject matter expert, goes on to explain, amendment G-11.1 adds to the list of conditions the CRTC can impose on online undertakings. As amended, the provision would read as follows:

9.1(1) The Commission [the CRTC] may, in furtherance of its objects, make orders imposing conditions on the carrying on of broadcasting undertakings that the Commission considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1), including conditions respecting

...

(i.1) in relation to online undertakings that provide a social media service, the discoverability of Canadian creators of programs

...

According to Mr. Geist, the proposed amendments establish some regulatory limits that restrict what the CRTC can do in relation to user-generated content, but the overall approach is indeed supposedly crystal clear. User-generated content is subject to CRTC regulation under Bill C-10, and as a result, the content of millions of Canadians' feeds on social media will be subject to regulation.

What I just told you is madness. When an articulate and eminent expert in the field makes a comment like that, I understandably have concerns about the honourable member Mr. Housefather's motion.

Mr. Geist points out that content on TikTok, Instagram and YouTube will now be approved by the CRTC, because it sets the conditions to mandate discoverability of Canadian content. By regulating user-generated content in this way, Canada will be an outlier with respect to Internet regulation. In a previous post, Mr. Geist stated that even the European Union, with its extensive regulations, ensured that video sharing platforms were not subject to regulatory requirements to prioritize some user-generated content over other content.

Mr. Geist goes on to say that there is good reason to not regulate user-generated content in this manner, since it has implications for freedom of expression and raises a host of questions. I want to stress how important those questions are, questions we have every right to ask. For example, how will companies determine what constitutes Canadian content? Will Canadians be required to surrender more personal information to big tech companies as part of the new rules? What requirements will be established for individual feeds?

Now we are getting into people's personal information—information the tech giants could force users to provide. That is to say nothing of the algorithms these companies use, which raise a whole slew of other questions. We don't have the necessary expertise at this time to arrive at an informed opinion.

As someone who used to represent educators, I cannot overstate how much it bothers me to make a decision that is uninformed.

That brings to mind an important rule of project management. It has four parts. First, know the project. Second, understand the project. Third, support the project. It will then be possible to, fourth and finally, implement the project. Since I'm having trouble knowing and understanding just what the government is proposing, I can't go on to support or implement it. It's basic decision-making.

I'm conflicted right now. Given what the experts are telling me, I am not in a position to make an informed decision on Mr. Housefather's motion.

Mr. Geist's analysis of amendment G-11.1 doesn't stop there.

I might add that amendment G-11.1 is the next amendment we are supposed to examine, despite the fact that we don't know where the Minister of Justice stands. If we adopt Mr. Housefather's motion, we will be going ahead without the benefit of the minister's expertise or the answers to our questions. Later on, if we feel the need to backtrack, it won't be possible to do so without unanimous consent.

• (1440)

Given the attacks of Mr. Guilbeault and his parliamentary secretary over the past two weeks, I don't feel confident that I would get the unanimous consent needed to propose amendments, if the Minister of Justice came to the conclusion that any part of the work we were doing here was not compliant with the Canadian Charter of Rights and Freedoms. As I say that, I have trouble believing that anyone would be against charter compliance.

Back to Mr. Geist's post. He states that Canadian Heritage officials removed any doubt about the implications of the amendment. It makes me a bit uncomfortable to repeat this next part, given the critical tone, but these are the professor's comments. Regardless,

criticism is a necessary part of the process to move forward and make things better. I'm sure departmental officials have already seen what he had to say. I don't mean to suggest that there was any bad faith on their part. I am simply saying that people's thinking is informed by their own understanding and by the people who influence them.

According to Mr. Geist, department officials told members of Parliament that the amendment to proposed section 9.1 of the bill would give the CRTC an additional power, the power to make orders with respect to online undertakings that provide a social media service. That order-making power would apply only to a social media service. It would give the CRTC the ability to make orders with respect to the discoverability of Canadian creators' programs.

Mr. Geist points out that, in response to another member's question—it might actually be a question I asked, I'm not sure—officials reiterated that proposed section 4.1 was intended to exclude programming that was uploaded on social media by someone who was not affiliated to that social media. The motion put forward by Ms. Dabrusin, amendment G-11.1, defines what regulatory tools under proposed section 9.1 can be used vis-à-vis social media.

I'm nearing the end of Mr. Geist's analysis. I'll wrap up by telling you where I stand on the motion.

Minister Guilbeault and the government promised to remove the parts that give the CRTC the power to regulate user-generated content. Instead, yesterday, they effectively confirmed that denials about the effects of the bill were inaccurate and left a regulatory framework in place.

As Navneet Alang states in the Toronto Star, in a column critical of Facebook, the right to speak on social media includes the right to be amplified and to be free to have an audience. That part is key. It means we should be requiring greater algorithmic transparency from Internet companies, not substituting their choices for those crafted through government regulation. That is the difference. That is the hook around which demagogues rally, making people believe—because the issue is so complex—that users, big tech, culture and freedom of expression are all at odds.

I have shown nothing but good faith since I have been on the committee. I was elected vice-chair and even had the privilege of standing in for you a few times, Mr. Chair. I can attest to what a feat it is to run a meeting like this, ensuring its orderly conduct in accordance with all the rules. Although we challenge your decisions at times, it does not mean that we question your ability or authority. I can certainly speak to that.

No matter how you slice it, despite Mr. Housefather's genuine desire not to delay the bill's passage, it is clear to me that this is a specious debate. All we are asking for is to hit the pause button for a few days. It would take just a few days to obtain the Minister of Justice's legal opinion.

Had there been support at the outset for what this motion seeks to do—obtain a new legal opinion—the matter would have been settled by now. Today, we would know whether the removal of proposed section 4.1 has any repercussions on freedom of expression. If the minister determined that there were none, we could have carried on with our study as per usual. If not, I think we would have had one heck of a problem. I think we have one heck of a problem right now, for that matter. That is why I am so adamant about finding some way to put the study on hold. We are not trying to delay helping the cultural sector. I repeat, all we need is a few days.

• (1445)

The expert panel that had previously endorsed Bill C-10 even had to write another letter of support because some of its members no longer wanted to support it. Right now, people across the country are opposed to the bill. I can tell you that I feel pressure, not from my party, but from Canadians and Quebeckers who feel attacked. I must respond to them.

It doesn't matter whether the minister likes this or not. He's trying to grandstand. By the way, it would be nice if a Liberal member could send him the message that his attacks slide off me like water off a duck's back. They really don't work. They won't change my commitment to freedom of expression at all costs.

As I said before—I can't remember whether it was in this committee or in an interview—my parents are Egyptian. You may say that my comments are off topic. However, my point is important because it explains why I'm so strongly opposed to this motion. My parents came to Canada from Egypt. When I had the opportunity to speak to my father about why he and my mother decided to move our entire family from their beloved home country to Canada, I remember his answer like it was yesterday. He often repeats it when we talk about major political and social debates. He and my mother came to Canada so that we could enjoy freedom of expression and religion; choose our own paths, whatever they may be; and access the Canadian justice system. Although this system isn't perfect, we should always strive to change it. This is in my DNA.

During the oral question period, the minister tried to attack one of the values that I hold so dear by suggesting that I was misleading the public. Goodness knows the Speaker of the House quickly called him to order. He then tried to sidestep the issue, but he subsequently respected decorum. I want to thank him for that.

I can't go on like this. I'll do everything in my power to defend freedom of expression. I invite the Liberals, the Bloc Québécois and the New Democrats to do the right thing if they really want to make progress on our work for the sake of Canadian culture and creators, whether the creators are Quebeckers, francophones, anglophones, indigenous people or other people. The very basis of the Canadian, Quebec, francophone and Acadian identity in this country is freedom of expression. This freedom has been attacked.

I know Mr. Guilbeault a little bit. He isn't a bad person. He has an activist background. We all wondered why he joined the Liberals. We all thought that he would run for the Green Party—

• (1450)

[*English*]

Ms. Julie Dabrusin: I have a point of order, Mr. Chair. We are still discussing a motion. We are not going through the history of the member and his relationship with the Minister of Canadian Heritage. I would ask that he go back to discussing points that are directed to the motion brought by Mr. Housefather.

The Chair: Yes. I assume you must be sick of my analogies by now. Nevertheless, I don't mind you weaving around the road, but please do not go past the guardrails.

Mr. Rayes, you have the floor.

[*Translation*]

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

I think that everyone will understand why I'm zigzagging when talking about my relationship with Mr. Guilbeault. I used to be the mayor of Victoriaville, the cradle of sustainable development. Since he was pro-environment, I had dealings with him on several projects. I had the chance to talk with him. As I said, despite his activist background and his choice to join the Liberal Party, I would hope that—

[*English*]

The Chair: Mr. Rayes—

Ms. Julie Dabrusin: I have a point of order.

The Chair: Before you do your point of order...

Mr. Rayes, I think you're back on the same subject. If you could cut to the chase and get back to the motion, that would be great.

Ms. Dabrusin, do you have a point of order?

Ms. Julie Dabrusin: No, that responds to it. Thank you.

The Chair: Thank you.

[*Translation*]

Mr. Alain Rayes: Thank you, Mr. Chair. I'm getting straight to my point.

I want to give the minister the benefit of the doubt. I would like to think that, when he called for the removal of proposed section 4.1, which forms the basis of Mr. Housefather's motion, he did not, in good conscience, want to attack freedom of expression. I really want to believe that. Yet, if he were sincere, why would he refuse to allow the Minister of Justice to provide a new legal opinion?

That was my point. Maybe he wasn't acting in bad faith. Perhaps he made a mistake during his interview or he didn't take the time to read his notes in order to explain why section 4.1 was originally proposed and then removed. He didn't want to admit his mistake. However, as the saying goes, a fault confessed is half redressed. We could have—

• (1455)

[English]

Ms. Julie Dabrusin: Mr. Chair—

The Chair: I'm sorry, Mr. Rayes.

Ms. Dabrusin, do you have a point of order?

Ms. Julie Dabrusin: It goes to the same point.

We have allowed Mr. Rayes to go on for quite some time, but at this point he is nowhere close to the motion we are talking about. I would say he's not even past the guardrails; he's perhaps in another province.

If we could bring him back, that might be helpful.

The Chair: Mr. Rayes, you have the floor.

[Translation]

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

I would like to tell my colleague that I have not changed provinces. This is a virtual meeting, so we are everywhere and nowhere at the same time. That's the magic of the virtual world we are in right now, unfortunately. We will meet again in person one day.

Mr. Chair, I'm not getting off track at all, despite what my colleague thinks. I am pleased that you are allowing me to continue. The very basis of Mr. Housefather's motion is that the proposed section 4.1 be removed. So there is a direct link, otherwise we would not be having this discussion right now.

Perhaps the minister made a mistake when he asked that the proposed section 4.1 be removed. If that is the case, and if he is acting in good faith, let him admit his mistake. Let's stop the demagoguery of pitting culture against freedom of expression and attacking the Conservatives. Let's go back to the idea of taking a break for a few days. Now it is almost the weekend. We could come back to it next week. Afterwards, we will have a constituency week. As soon as possible, before the summer, let's give the Minister of Justice a chance to respond. Then we can continue.

Unfortunately, right now, I sense that the Liberals do not want us to take this break. This makes me think that they know that the Minister of Justice will not provide them with a favourable opinion, but will instead say, as we believe, that removing the proposed section 4.1 is an attack on users. At the very least, this suggests to me their true intention as to the unanimous consent that will be required to make any subsequent amendments that are necessary. That is what the motion states: we will continue to move forward amendment by amendment and we will see in the end. We all know full well how this works. We will need unanimous consent to fix it, which we will not get when the time comes, because the Liberals will be able to block the process. That's what they have been doing for the last two weeks. They are trying to make us the bad guys on

this, but it is not working. The responses and letters from the members of the public show that. I have never seen such a response from the public to my office in my life. This issue does not seem to be percolating in the media in Quebec, but it is making Canadians react on the ground.

We know that the small players are fighting against the big players. The challenge is that people are on social media. Whether we like social media or not, as politicians and public figures, we have no choice but to use them. We have to find a certain balance. We can't deny that they exist. We have to find a fair and equitable way to legislate the area without attacking the users.

This brings me back to my colleague Mr. Housefather's motion, and I will conclude on that. I hope he won't be offended. I took the trouble at the outset to say it and I sincerely believe that his objective was a noble one. At all the meetings of the committee, he has always looked for compromise. I would even say that he almost went against the will of the government at times. Here is the motion:

That the Committee:

- 1) Will consider all amendments proposed on Bill C-10 and should points 2 and 3 below not have been completed at the time the amendments on the Bill have all been considered, the Committee will pause in its deliberations and not dispose of the Bill until points 2 and 3 below have been completed.
- 2) Ask the Minister of Justice to provide a revised Charter Statement on Bill C-10, as soon as possible, focusing on whether the Committee's changes to the Bill related to programs uploaded by users of social media services have impacted the initial Charter statement provided, in particular as relates to Section 2(b) of the Canadian Charter of Rights and Freedoms.
- 3) Invite the Minister of Justice and the Minister of Canadian Heritage accompanied by relevant department officials to appear before the Committee as soon as possible to discuss the revised Charter statement and any implications of amendments made by the Committee to the Bill.
- 4) Shall take all votes necessary to dispose of the Bill, once points 2 and 3 are completed and all amendments have been considered.

I apologize to the interpreters if I read the motion quickly, but I see that time is running out. In any case, I would like to believe that they have the English version in front of them.

Point 4 of the motion is where the problem lies, Mr. Chair. The problem is that it's going to take unanimous consent to make amendments, which we will not receive.

• (1500)

I say, I repeat and I am sure: we would be making a serious mistake if we left the door open for the Liberals to allow the committee to go ahead without any guarantee that we could ultimately make amendments if the advice of the Minister of Justice confirms that there is an attack on freedom of expression or on the Canadian Charter of Rights and Freedoms. We know what sorts of comments the Prime Minister and the Minister of Canadian Heritage have already made in the media about people's use of the Internet. The discourse is self-righteous. We have also seen it in the little attack on my colleague Ms. Harder, in the House of Commons, when the minister attacked her personal convictions. If you don't think like the Liberals, your way is not the right way. Unfortunately, I cannot accept that, and I will continue to stand up for freedom of expression.

Mr. Chair, thank you for the opportunity to speak to the motion introduced by Mr. Housefather today.

[English]

The Chair: Folks, we have reached the two-hour mark. I think you know what that means. Under implied consent, we normally end at the two-hour mark.

I'm seeing a multitude of hands electronically. Everyone wants in on this.

As you know, I'm at the will of the committee as to whether you want to continue or not. Of course, it requires pretty much a critical mass of you to say that we are done—or not. Are we going to conclude this meeting right now?

Madam Dabrusin, go ahead.

Ms. Julie Dabrusin: Mr. Chair, I would rather not. I would like to have an opportunity to hear from Mr. Champoux, as he has had his hand up and has been waiting for quite a while to speak.

[Translation]

Mr. Alain Rayes: A point of order, Mr. Chair.

[English]

The Chair: On a point of order, I'll hear Mr. Rayes.

[Translation]

Mr. Alain Rayes: I ask that the meeting be adjourned.

[English]

The Chair: All right. You all know by now what that means. There is a motion to adjourn the meeting.

Mr. Anthony Housefather: On a point of order, Mr. Chair, the motion can't be moved on a point of order. Mr. Rayes was on a point of order, so he can't move adjournment. Mr. Champoux should have the floor.

The Chair: Yes. That is correct.

Mr. Martin Shields: I move a motion to adjourn.

The Chair: One moment, please. We have to go to Mr. Champoux.

[Translation]

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

I must admit that I find it a little hurtful to see that some people are asking for the meeting to be adjourned when we have talked so long about freedom of expression and the importance of being able to speak. To me, that also includes an obligation, if only out of respect, to let others speak, which I am happy to do at this time. I'll still try to keep it short.

How did we get here? It's quite worrisome.

First, we agree that the Liberals fell short by removing the proposed section 4.1 without immediately taking precautions to reassure users of their freedom to share their content. Various anti-Internet-regulation advocates jumped on the bandwagon and pointed to this loophole as a potential threat to freedom of expression.

The cultural industry is caught between the Liberals' negligence and the Conservatives' reaction. I have heard my colleagues Mr. Rayes and Mr. Shields testify and profess their love for culture, and I don't doubt it for a second. I don't think anyone can sit on this committee without a deep affection for culture. Having said that, culture is currently paying the price for this struggle we are having a hard time resolving.

We often quote Mr. Geist, whose expertise I recognize, but other experts have said other things as well. Let's talk about Pierre Trudel and Monique Simard, who published a letter in *Le Devoir*. Pierre Trudel is not just anyone. You know the content of the letter, and I am sure that everyone is aware of their opinion: "Bill C-10 creates no risk that the CRTC will one day start regulating videos produced by individuals..." That's it; you can read the letter. I don't want to take up too much of your time doing so.

Pierre Trudel is also a law professor, at the Université de Montréal. He has written books on the right of access to information and media law. He works extensively on the subject of Internet regulation. He and Ms. Simard were part of the federal expert panel on the review of the legislative and regulatory framework for broadcasting. So I think they have some credibility too.

I agree that we must rely on experts. However, when you want to listen to the views of experts in a field in which you don't have expertise yourself, you have to listen to those who advocate a point of view that is not necessarily the one you spontaneously adopt. You have to be open. Wanting to better understand the issue also means wanting to understand the point of view of all parties.

Right now, the cultural industry is wondering why we are wasting so much time talking when there is an urgent need to act. Ms. Yale mentioned this urgency last year in her report, which was co-signed by Ms. Simard. We all agreed on that. At this point, I think we must not speak for the Liberal Party, the Conservatives, the NDP or the Bloc Québécois, but we must speak for those who will be most affected by this bill: the people in the cultural and media industries.

The Internet giants are doing a lot of damage to our industry and to our Canadian broadcasting system, and that is why we are here. Yes, concerns need to be addressed. We need to reassure those who fear for their freedom of expression, I agree with that 100%. That's why, up until now, I've been keen to have that point clarified. I think Mr. Housefather's proposal today is a compromise that deserves to be considered by all parties.

I want to pick up on the point that Ms. Harder and Mr. Rayes made earlier. It would be impossible not to go backwards if the Minister of Justice did not provide us with a new opinion on the Canadian Charter of Rights and Freedoms that supported Bill C-10. It would be impossible not to go backwards, because refusing unanimous consent to change sections would be tantamount to killing the bill. No one who wants to see this bill succeed would refuse to come back and change sections of the bill if it did not have the full support of the Minister of Justice through his new statement on the Canadian Charter of Rights and Freedoms.

There is room for good will and good faith. We will get the new statement on the charter, we will have a visit from the two ministers, we will have the answers to our questions and we will not have to put this bill to a vote until we have those guarantees. The Bloc Québécois would never support any bill if we had the slightest suspicion that it posed a real risk to freedom of expression.

• (1505)

In the meantime, we can work on other clauses to move this bill forward for the benefit of the cultural industry, which is crying out for us to do so. I know that the Canadian and Quebec cultural industry is important to you. I also know that, regardless of the party affiliation, you all want to make progress. So I invite you to be open.

We will ensure that freedom of expression is protected by all means necessary and by all means that satisfy us. In the meantime, I believe we have a duty to continue to work to improve this bill, which we all agree needed a lot of love to become acceptable to everyone. We also have a duty to respect the democratic process, my friends. In this regard, if we respect the democratic process, we must accept that the members of the committee can all vote together on a motion that seems acceptable to me.

In any event, even if we wanted to go back to Ms. Harder's motion, as the Conservatives seem to be asking, we would first have to

deal with the motion before us now. So I think we should vote on that motion and give the committee a chance to continue the democratic process. I think that's reasonable and makes good common sense. We owe it to our creators in Quebec and Canada. We owe it to the media and cultural industry.

Thank you, Mr. Chair. It's time to move on, with this good compromise.

• (1510)

[*English*]

The Chair: Thank you, Mr. Champoux.

That puts us back into the same situation, folks. We have now gone over two hours. I am looking at everyone to see who wants to say goodbye. I see a lot of hands waving in this direction, so I'm assuming that you want to call it a week and get ready for your weekend.

I will put something on your radar, though, if that's okay. It won't take very long.

As you know, we passed a motion on March 26. It says, "That the committee extend the hours of its meetings during clause-by-clause consideration of Bill C-10". That's on the extension of hours. The second thing it calls for is that we "hold any additional meetings required to make the necessary changes to the outdated Broadcasting Act and move the bill to third reading". That was adopted by the committee, and that's why we had the meeting last night. It tells me that I should endeavour to find meetings during the break week if we are still on Bill C-10 and considering clause-by-clause.

I'm saying this because it is the will of the committee, and I just want to give you a heads-up a week and a bit before the break week, so that you can plan accordingly when we get close to that date.

Thank you, everyone. It was a great debate. It's good to see you all.

[*Translation*]

Have a good weekend.

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