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• (1105)

[*Translation*]

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): I call the meeting to order.

Good morning, everyone.

Welcome to meeting number 26 of the House of Commons Standing Committee on Canadian Heritage.

I would like to acknowledge that this meeting is taking place on the unceded traditional territory of the Algonquin Anishinabe people.

[*English*]

Pursuant to the order of reference of Thursday, May 12, 2022, the committee is meeting to study Bill C-11, an act to amend the Broadcasting Act and to make related and consequential amendments to other acts.

Today's meeting is taking place in a hybrid format, as you can all see, pursuant to the House of Commons order of November 25, 2021. Members attending in person must wear a mask at all times, and members attending virtually will be using Zoom. As for the directive of the Board of Internal Economy on March 10, 2022, all those attending in the room must wear a mask at all times. Actually, you could wear a mask and speak. We can hear you very well. The clerk speaks with a mask all the time.

I want to make a few comments for the benefit of the witnesses and members. First, you cannot take photographs of this meeting, so please remember that. Wait until I recognize you by name before speaking, and for those participating by video conference, if you look at the bottom of your screen, you will see a globe icon. Please use that for interpretation. Those of you in the room, you know that you can plug in for interpretation in the room itself. If you want to activate your mike, there is a mike icon at the bottom of the screen, and when you're not speaking, I would ask you please to mute yourselves.

We will now begin this meeting, and I want to welcome all of the witnesses. Thank you for coming in to meet with us on this very important bill.

Witnesses all have five minutes per individual, or group, to make opening remarks. If you are a group, you can split your time in any way that you choose, and I will give you a 30-second notice. I'll just say it, so you don't have to look up from your notes to see if I'm holding up a card. When you have 30 seconds left, I will give you a signal, and you can wrap up.

Our witnesses today include, as an individual, Philip Palmer. Oorbee Roy is a digital content creator. Pierre Trudel is a professor at the Université de Montréal, and Timothy Denton is chairman of the Internet Society Canada Chapter.

We'll begin with Mr. Palmer, for five minutes, please.

• (1110)

Mr. Philip Palmer (As an Individual): Madam Chairperson and honourable members, it is an honour to be able to speak to you today and to address C-11.

For more than 30 years, I was a lawyer with the Department of Justice and held a number of senior positions within that department. One of my most memorable and rewarding experiences was to have worked on the drafting and adoption of the 1991 Broadcasting Act. In the course of that work, I became keenly aware of the policy, constitutional and regulatory issues surrounding broadcasting.

Broadcasting regulation is a regulation born of scarcity. Radio waves were and remain a scarce resource. Initially, few persons could be licensed to broadcast to the public. A limited number of licensees meant that a broadcaster could potentially abuse its communications power to manipulate and abuse the public opinion. This, in turn, led to a form of comprehensive broadcasting regulation.

As the carrying capacity of cable increased over the years, the scarcity argument for broadcasting regulation weakened. It was our belief, back in the late 1980s and early 1990s, that in a 500-channel universe, comprehensive broadcasting regulation would no longer be necessary.

We now live in the Internet age. The Internet is not limited to 500 channels. It has virtually unlimited capacity to permit every form of communication and permit any member of the public to hear an extraordinary diversity of voices. Canadians operate 160,000 channels on YouTube alone. There is no scarcity on the Internet.

Given the bounty of content on the Internet, it is both counterintuitive and, frankly, shocking to witness not the dismemberment of the broadcasting regulation but its extension to the whole of the Internet.

I want to briefly make four points.

First, the impulse to use the Broadcasting Act to regulate the Internet is grounded in concerns of protecting an existing industry. It has no justification in terms of protecting broader public interests.

Second, C-11 lacks a foundation in Canadian constitutional law. Internet streaming services do not transmit to the public by radio waves, nor do they operate telecommunications facilities across provincial boundaries. They and their audiences are the clients of telecommunications common carriers, which are subject to federal regulation. Netflix, for instance, in this case is no more a federal undertaking than a law firm such as McCarthy Tétrault or a chain store like Canadian Tire, both of which rely extensively on telecommunications services.

The third point is that the mere fact that some Internet services compete with traditional broadcasters is not a justification to extend federal regulation over Internet services. Looked at historically, successive forms of delivering popular culture have had their moment in the sun. There has been a progression from vaudeville to movies to radio to television to the Internet. What we see at play today is not some demonic plot by Internet interlopers. What we see is the creative destruction of capitalism. C-11 is not a solution to the problems of broadcasters, but it is an active harm to those who create and disseminate content on the Internet.

Fourth, and lastly, the issues that underlie C-11 are not the ones that can be resolved through regulations. They are largely questions of money. I believe C-11 should be focused on ensuring that the web giants contribute to Canadian programming, not on regulating them.

Thank you. I look forward to your questions.

• (1115)

The Chair: Thank you very much, Mr. Palmer.

Ms. Roy, you have five minutes, please.

Ms. Oorbee Roy (Digital Content Creator, As an Individual): Hi. My name is Oorbee Roy. I'm a mother, wife, skateboarder and Canadian. I come here as an individual who's trying to make a living as a digital content creator to discuss Bill C-11 and how it affects me.

I don't have a million followers. I don't make hundreds of thousands of dollars. I am climbing my way up slowly and methodically, trying to make a living in this space.

Bill C-11 and so many parts of it are fantastic. I appreciate that the intent is to try to help Canadian artists and creators. In theory, pushing out Canadian content on user-generated platforms sounds fantastic—Yay!—but there are a few things concerning to me that should be addressed and understood.

Number one is that, as it currently stands, I don't qualify as CanCon. It is very difficult for small creators to qualify. The platform, which can only push out so much content, will be regulated and will be forced to show big media qualified CanCon 40% of the time. That means I'll have to fight against other small digital creators within that remaining 60% space for visibility.

Number two is that, if I do qualify, then as it stands, each piece of content has to be approved by the CRTC. That means I'll have to

wait for the bureaucratic machine over at the CRTC to regulate my “five steps to start skateboarding” video. User-generated content does well when it follows current trends, but by the time my video is approved, I'll miss the trend and my video will bomb.

Number three is that platforms will pay into the CRTC, but I won't see a dime of that money, because as it stands—say it with me—I do not qualify for CanCon. If the platforms are redirecting that money to CanCon, then instead of putting the money into workshops or training or other professional development opportunities for creators like me, it will go to CanCon-approved media outlets.

How does that even make sense? Not only does this bill not help me. It also hurts me and actively undermines my needs as an artist. There's no language in the bill to tell me otherwise.

Frankly, I don't qualify. I'm just not the right fit. That I'm not the right fit is a story I've been told my whole life. I'm too brown. I'm a nerd. I'm too old. I'm female. I'm not feminine enough. I'm not the right demographic, but I've never been the right demographic. My voice has been suppressed far too many times. That's not an easy thing to do, because I have a pretty loud voice.

Somehow along the way, I discovered a platform that allows me to tell my story as I see fit in my own voice. Other people are indeed interested in my story. Somehow this tall, brown, old and somewhat-out-of-shape mom who skateboards resonates with people all over the globe. Authentic, inspiring, genuine content—that's Canadian content.

Listen, I've studied the algorithm at length. I don't exactly know how the algorithm works, but I do know this to be true: Every time a video of mine goes viral, which is not all the time, opportunity comes knocking. For example, the team at TikTok Canada invited me to a Canadian movie premiere of a Canadian movie, where I got to interview a Canadian actor, Ryan Reynolds. I made some TikToks about it. One of them went viral, with 7.2 million views globally—it was a good video—and guess what happened? TV stations started calling me. I signed three global brand deals. In fact, Scott Benzie from Digital First Canada helped me get one of those deals.

If my video is suppressed because the CRTC decides that someone else's content should be artificially pushed over mine, I lose my ability to get in front of my audience. That directly affects my bottom line.

The language of this bill matters. Please, sure, help—great, fantastic—but make sure the language is clear. Minister Rodriguez stated that online streamers don't contribute to Canadian culture: “[It’s] very simple. Platforms are in and users are out.”

Herein lies the problem. With all due respect, the minister does not understand the language, and that can be dangerous. “Platforms” are in but “users” are out. My husband, who watches skate videos, is a user, whereas I make a living on the platform as a creator. Without creators, there is no platform for users to watch. To me, then, he's saying that platforms, and by extension creators, are in, but users are out. That's what's concerning to me. A lack of understanding leads to a lack of clarity. Please make it clear or leave that section out.

I want to thank you for taking the time to listen to me. I literally have never gotten a seat at the table—except now, as a digital creator, I'm getting a seat at the table. Representation matters. If I, as a 47-year-old South Asian mom, can earn a living as a skateboarder, then literally anything is possible. Please don't suppress my voice.

• (1120)

Thank you.

The Chair: Thank you very much, Ms. Roy.

Now we're going to go to Professor Trudel for five minutes.

Go ahead, please, Professor.

[*Translation*]

Mr. Pierre Trudel (Professor, Université de Montréal, As an Individual): Thank you, Madam Chair.

Members of the committee, colleagues and fellow participants, good morning.

I am a professor of law at the University of Montreal and, since 1979, I have taught the Broadcasting Act. I participated in the drafting of the new Broadcasting Act of 1991, including as research director of the Caplan-Sauvageau Task Force, which was responsible for the current version of the Broadcasting Act.

The purpose of Bill C-11 is to ensure that all undertakings engaged in the business of broadcasting and distributing programming by means of the Internet or otherwise operate in harmony with the requirements of Canadian broadcasting policy, which is set out in section 3 of the Broadcasting Act and which the bill in fact proposes to amend and supplement. By proceeding with this long overdue update, Parliament will be engaging in a necessary catch-up exercise in the development of the legislative framework for the broadcasting of audiovisual creations, which are increasingly dependent on online environments.

This upgrade is essential to ensure that our communications system functions as a conduit that carries information of all kinds, and also gives Canadians the effective opportunity to choose programming or to produce and broadcast programming that reflects the rich diversity of our society and the existence of Canada's official languages and the languages of indigenous peoples.

Since 1991, the Broadcasting Act has had very clear provisions prohibiting the CRTC from making decisions that would violate

freedom of expression. It is unfortunate that because of unsubstantiated allegations that the proposed amendments to the Broadcasting Act may result in regulations that would infringe on freedom of expression, the legislation has ended up with all sorts of exclusions and supposed clarifications that only make the text more cumbersome.

Nonetheless, the wording that Bill C-11 proposes for paragraphs 3(1)(q) and 3(1)(r) of the Broadcasting Act is to be welcomed. These additions explicitly address the need to promote the discoverability of Canadian works. In this sense, the legislation adjusts Canadian broadcasting policy to the context of online environments.

On the other hand, subclause 9.1(8) that clause 10 of Bill C-11 proposes to add to the Broadcasting Act, as drafted, would introduce an unnecessary and dangerous exclusion. This subsection removes the ability of the CRTC to require or regulate the use of particular computer algorithms or source codes.

Taking away this ability of the CRTC to mandate the use of technological tools that are consistent with the ways in which online environments operate would paralyze the regulator's action. It would be forced to limit itself to the tools of the past in order to regulate future technological situations.

In my view, there is no rational reason to exclude the possibility of imposing the use of software tools to ensure that undertakings operate in accordance with the principles and objectives of Canadian broadcasting policy. I remind you that that policy aims to be inclusive of minorities, such as persons belonging to racialized groups and sexual minorities, as well as to ensure the place of indigenous peoples in the overall system.

I will conclude by saying that to ensure the transparency of the act, it would also be appropriate to ensure that the making of orders by the CRTC under clause 16 of Bill C-11 be subject to public hearings.

I am, of course, available for further discussion and to answer your questions.

• (1125)

[*English*]

The Chair: Thank you very much, Professor Trudel.

Now I'm going to go to Mr. Denton.

Mr. Denton, I understand that you have a different type of headset, so let's hope it works. Please unmute yourself and go ahead for five minutes.

Mr. Timothy Denton (Chairman, Internet Society Canada Chapter): Thank you.

Good morning, ladies and gentlemen. Thank you for asking us to appear.

I'm Timothy Denton, and I'm chairman of the Internet Society Canada Chapter. Its membership consists largely of former regulators and senior public servants, Ph.D. candidates in communications and professors, together with others interested in communications policy from a pro-Internet perspective. Every branch of the Internet Society is independent of every other one, and all rely on voluntary efforts.

My background is in telecommunications and broadcasting law. I'm a lawyer by training and I have a master's degree in law and communications from the University of Ottawa. I worked at the CRTC in the late 1970s and later I was policy adviser to the minister of communications in the period when we developed the Broadcasting Act of 1991.

Possibly more important, I've also been on the board of the American Registry for Internet Numbers and the Canadian Internet Registration Authority, as well as participating in various bodies that form part of the Internet Corporation for Assigned Names and Numbers, which is known as ICANN.

I found that, by listening carefully to the engineers and technologists, I learned a great deal about how the Internet works and what its basic features are. I served as a national commissioner of the CRTC under chairmanships of Konrad von Finckenstein and Jean-Pierre Blais from 2009 to 2013.

One of the strangest experiences I had was to come back to the CRTC after a gap of 30 years to find that the mentality had not changed since I'd been there in 1979. The Internet was still referred to as "new media" despite the fact that the Internet had taken shape in 1974. People would go home to watch Netflix but the phenomenon they were watching had no bearing on their jobs. It was as if by casting a magic spell over the Internet by calling it "new media" they could capture it for Canadian broadcasting regulation. In fact, this is the essence of our critique of the new Bill C-11.

There is a fatal ambiguity at work in Bill C-11. It is spoken about as if it were an act to modernize broadcasting law. If that were so, then the act could work by subsidizing Canadian TV productions out of streaming revenues. Various speakers before you, such as Peter Menzies and Michael Geist, have spoken to this effect.

It is the contention of the Internet Society Canada Chapter that the ambitions of government as expressed in this bill are much wider.

The language of Bill C-11 has so defined the word "program" to include any moving images or sounds or sounds and moving images. It has so defined the CRTC's regulatory authority that it covers anything that might engender revenues directly or indirectly. The chairman of the CRTC observed recently that the bill would give the commission authority to regulate user-generated content.

Broadcasting is a form of communication that requires government licensing or regulation. The Broadcasting Act contains very severe penalties for broadcasting without a licence. The act lays out hundreds of thousands' and millions of dollars' worth of fines. Bill C-11 maintains this in its entirety.

By contrast, think about writing, speaking or printing. You do not need a government licence to pick up the phone and talk, nor to

write an email. The regulation of speech takes place after one has spoken, not before. Unique to the 20th century, broadcasting reintroduced the idea of the need for prior government permission to be able to communicate using specific technologies. This made sense when broadcasters used airwaves with early radio technology. When very few spoke to millions, there was strong argument for regulation of broadcast speech.

Make no mistake. This bill as written is about speech controls when talking using audio or audiovisual means across the Internet. Indeed, by the expansion of this logic in Bill C-11, the government might just as well define email and talking on the phone as broadcasting.

• (1130)

Bill C-11 could be better retitled from online streaming to an act for the regulation of communications across the Internet. It would be a more honest and accurate title.

Thank you. I await your questions.

The Chair: Thank you very much.

Now we're going to move to the question-and-answer part of the program.

Clerk, I see a Mr. Généreux. Is he a witness?

The Clerk of the Committee (Ms. Aimée Belmore): No, Madam Fry.

Mr. John Nater (Perth—Wellington, CPC): Madam Chair, that's our colleague Bernard Généreux, MP for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, a wonderful Quebec colleague.

Mr. Peter Julian (New Westminster—Burnaby, NDP): I will endorse that. He's a fine gentleman.

Welcome to the committee.

The Chair: Thank you very much, Mr. Nater.

Mr. Généreux, I did not recognize you. I'm very sorry.

We will begin with the question-and-answer part. It's a six-minute round. The six minutes include questions and answers. Please, everyone, try to be as succinct as you possibly can.

We'll begin with Mr. Nater for six minutes, please, from the Conservatives.

Mr. John Nater: Thank you, Madam Chair.

I'm tempted to ask my questions of Monsieur Généreux to start off, but we'll put him on a hot seat another time.

I want to start with Ms. Roy and ask a few questions about you and your work. I have to admit that I may take more than five steps to learn how to skateboard. I don't think I can do it in five steps. Maybe, with time, I might be able to.

I want to talk about how you develop your content and how you export it and get it out there. Where do your creative influences come from that allow you to create these skateboarding videos? How do you export that and expose it to the world?

Ms. Oorbee Roy: Thank you for that question. I appreciate it. I think that was a plea for me to teach you how to skateboard, so I accept.

To answer your question, I take my cues from the platform itself. There are trends that go on. There's a certain way that I find the algorithm works. You have to do hooks or a trending sound. I have a certain amount of content that I want to push out there. I know what the five steps are to get you to start skateboarding, so I kind of combine the two.

I do everything myself. I have an iPhone. I go out in my backyard. I shoot a video. I make my kids watch it to make sure I'm not making a fool of myself, and then I publish said video. Some of the videos do well; some of them don't. I don't care. They don't always have to do well. That's kind of how it goes.

There's a certain formula where you can get more views versus fewer views. That's kind of what I do.

Mr. John Nater: Thanks for that. I'm sure my kids would also make fun of me for trying to skateboard. I might take you up on that offer to learn to skateboard.

Stemming from that, talking about how you earn revenue and try to make a living online, part of the terminology in the bill of the exception to the exception of the exception to exclusion refers to direct or indirect revenue. I was hoping you could expand on your example of that very idea, how you earn direct and indirect revenue doing what you do online.

Ms. Oorbee Roy: Sure. I have brands that reach out to me. I either say yes or no to these brands to showcase their products in one of my videos. I try to be authentic in all of them, so I don't always say yes. They pay me based on the number of views I get. If I were a creator who has millions of followers, I would get paid more than a creator like me who has about 100,000 to 200,000 followers. I set a price, and they either say yes or no. I publish a video using their product, and then they pay me.

• (1135)

Mr. John Nater: I have two more questions. I'm going to ask them together, just because I don't want to run out of time here.

First, you mentioned about qualifying as CanCon or not qualifying and not being able to access.... I just wanted to confirm that you haven't been able to access any federal funding up to this point in terms of the Canada Media Fund or the Department of Canadian Heritage for any of your work? That's the first question.

The second thing is just a confirmation from you. You talked about the minister's statement that platforms are in and users are out. If we were to clarify the language to confirm that creators, people who use the Internet to upload their content, user-generated content, were clearly excluded within the bill, would that be something you think would be helpful to creators like you?

Those are two questions. I know I'm putting a lot in there, but could you address those? Thanks.

Ms. Oorbee Roy: So far, I haven't received any funding from anyone. I don't qualify. I'm an athlete, so I don't qualify as an artist. I'm not incorporated, so I don't qualify for CanCon. I haven't received any funding to date from anyone. I've been paid, but I haven't received any funding.

I would like help. I'm just a mom who's skateboarding in the backyard. I would love the help. I think if the language was made clear and it would actually help me, I'm not going to say no to that, because I'm trying to earn a living.

Mr. John Nater: Thank you so much, I appreciate that.

I want to turn to Mr. Palmer and use some of your expertise as a justice department lawyer for several decades. You wrote an article in relation to the former Bill C-10, called "C-10: An Unconstitutional Power Grab". One of the lines used in there was:

Years of litigation and uncertainty will be the inevitable result of the legislative overreach of the federal government under the guise of broadcasting legislation.

I want to ask you whether you believe this is still applicable to the current Bill C-11 and what you foresee happening in the months, years and decades to come after the implementation of this bill? What types of challenges do you see from a legal standpoint or a constitutional standpoint going forward?

You touched on it a bit in your opening comments, but if you could expand on that, I'd appreciate it.

Mr. Philip Palmer: First of all, there is nothing that distinguishes Bill C-11 from Bill C-10 in terms of the constitutional issues that are raised, and there's nothing that makes Bill C-11 more constitutionally acceptable.

The uncertainty that this is going to lead to is that it will hang over the system until the Supreme Court has spoken. The question is really, who is going to then challenge federal jurisdiction over broadcasting? I can't predict who that will be, but it's likely to be some Canadian domestic player that has enough means to finance itself, but not enough means to.... I don't believe the large players are going to be the people who are going to challenge.

The Chair: Thank you, Mr. Palmer. We've run out of time.

We'll now go to the Liberals and Anthony Housefather for six minutes, please.

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

Thank you to all of the witnesses for being here today.

Mr. Palmer and Mr. Denton, you're both affiliated with the same organization, so I think I'm going to go to my fellow McGill law grad, Mr. Denton, first.

I understand what you're arguing, essentially. It's the application of the Broadcasting Act to online streaming services, which you believe is unconstitutional, as it goes beyond federal power and is contrary to the charter.

Could you refer me to the case law that would substantiate that? Please give me the cases.

Mr. Timothy Denton: Mr. Palmer is the appropriate source of authority for this proposition. I will simply say, having followed the AGT cases, that an organization is not made to be federally regulated because it uses federally regulated services. Mr. Palmer will have the answer more precisely.

• (1140)

Mr. Anthony Housefather: Mr. Palmer, could you refer me to the case law?

Mr. Philip Palmer: The principal case for all federal regulation of broadcasting space is, of course, the radio reference of 1932. In that, the court relied upon the provisions of subsection 92(10) of the Constitution Act to find that, in transmitting radio waves, they necessarily exceeded provincial boundaries and, therefore, could only be effectively regulated at the federal level. The key is that, in order to be regulated by the federal government, the “undertaking”, as the Constitution uses the word, has to be one that has the facilities to exceed provincial limitations and provincial boundaries.

Mr. Anthony Housefather: I understand that, Mr. Palmer. I'm sorry. I only have six minutes.

Is that case the only case you're going to refer me to? Are there successor cases that you—

Mr. Philip Palmer: There are successor cases, *Capital Cities*, and *Public Service Board versus Dionne*, both of which held back the federal jurisdiction over cable undertakings, rested again on the fact that they employed radio waves. They received radio waves that came over interprovincial or international boundaries.

Mr. Anthony Housefather: I understand that. I don't agree with your interpretation in this case.

[*Translation*]

I would like to ask Mr. Trudel what he thinks.

Mr. Trudel, you have heard what the witness has said. Do you agree that these types of changes to the Broadcasting Act are unconstitutional?

Mr. Pierre Trudel: If this were unconstitutional, it would be because it would be a matter of provincial jurisdiction. The question would then have to be asked: is it better for 10 provinces to put in place regulations on these matters or for the federal authority to do so?

There are arguments that radio waves are not the only basis for federal jurisdiction in these matters. There is, among other things, the question of national interest and the inherently interprovincial nature of the activity. In short, all these arguments may have to be argued before the Supreme Court.

Either the federal government has authority, or the provinces do. Therefore, it is to be expected that the Canadian state will intervene sooner or later, whether through the provinces or through the federal government.

Mr. Anthony Housefather: There's also the argument that this goes against the freedom of expression granted by the Canadian Charter of Rights and Freedoms. Can you give us your views on this?

Mr. Pierre Trudel: In my opinion, that argument is devoid of any foundation.

First, the Broadcasting Act itself prohibits the CRTC from making decisions that violate freedom of expression. Therefore, I do not understand how anyone can argue that merely putting in place a legislative framework that ensures the proper functioning of undertakings in light of Canadian broadcasting policy imperatives violates freedom of expression.

In fact, to date, Canadian courts have consistently recognized that Canadian broadcasting legislation is compatible with freedom of expression, including in the case involving *CHOI-FM*, a Quebec City radio station, where this issue was specifically challenged.

Mr. Anthony Housefather: Thank you.

[*English*]

Madam Chair, do I have any time left?

The Chair: You have 40 seconds.

Mr. Anthony Housefather: Thank you very much.

I have a quick question for Mr. Denton.

Mr. Denton, I'm referring to a *Financial Post* article where you refer to the guiding principles on diversity of content online, which is essentially the policy document associated with Bill C-10. You called it “totalitarian”, and you essentially compared it to communist Russia under Brezhnev.

Is your feeling that Bill C-11 is also leading to a totalitarian state similar to communist Russia under Brezhnev?

• (1145)

The Chair: You have four seconds in which to answer, Mr. Denton.

Mr. Timothy Denton: I reject the premises of the question.

The Chair: Thank you very much.

We now have ended this section.

I'm going to go to Monsieur Champoux from the Bloc Québécois, for six minutes, please.

[*Translation*]

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

I thank the witnesses for being with us this morning.

Good morning, Mr. Trudel. It's good to see you again.

Parallels are drawn quite regularly between the 1991 Broadcasting Act—you were in fact involved in the drafting of it—and the new legislation that the government is attempting to bring in to regulate streaming on web platforms. Just this morning we heard people making those kinds of parallels.

For your part, do you see any parallels between the reality that we are trying to regulate now and what we were doing in 1991?

Could or should a new law have been written completely from scratch?

What is your view on this?

Mr. Pierre Trudel: The option that was chosen in Bill C-11, as I understand it, is to bring broadcasting and transmission activities that use the Internet medium under the Broadcasting Act. There may have been another option. For example, the Yale Report, entitled “Canada’s communications future: Time to act”, recommended instead that an entirely new communications act be created, which could have considered these issues in a different way.

There is one constant between the Broadcasting Act of 1991 and the bill currently before you, and that is the concern that companies that benefit from the Canadian audience in the broadcast of their programs contribute to the financing of the production of Canadian programs. This is the basic philosophy of the 1991 Broadcasting Act, and this is what the current Bill C-11 seems to want to carry forward.

Broadcasting in Canada is not viewed primarily as a market in which there are suppliers and consumers. It is a tool for societal cohesion, through which we want to ensure that everyone has a voice, that there are services in both official languages throughout the vast territory, and that indigenous peoples have a say and an opportunity to have a voice in the system.

So, it’s not just consumers using the Internet to broadcast their programs, which is perfectly permissible and legitimate. Indeed, that is why the act provides that the CRTC has the authority to target only those activities that have a demonstrable impact relating to Canadian broadcasting policy objectives. That is the strength of the act, it seems to me.

Mr. Martin Champoux: What we did during the 1930s and did again afterwards was to adapt to the different means of communication, which were changing over time. Today we are faced with the same necessity, according to what you say, and we must adapt to the new means used in broadcasting activities.

Mr. Pierre Trudel: Yes, exactly. You are absolutely right. We had the same debate when cable came along in the 1970s and when specialty channels came along. There’s always this kind of debate when a new technology comes along.

Mr. Martin Champoux: You were there when our committee was studying Bill C-10 last year. We had the opportunity to talk to each other a few times. This year, we’re looking at Bill C-11, and as you can see the incorporation of section 4.2, which has been rewritten, into the Broadcasting Act is being proposed once again.

What do you think about the return of the proposed section 4.2 to the bill, which is causing a lot of reaction? Do you think it is clum-

sy? Do you think it is well written? How do you rate people’s concerns about this section?

• (1150)

Mr. Pierre Trudel: I do not share these concerns. The Broadcasting Act already gives the CRTC full discretion, and more importantly, requires it to deal only with activities that have a demonstrable impact on the achievement of Canadian broadcasting policy. In the past, the CRTC has used the current section 9(4) of the Broadcasting Act to avoid regulating precisely what it did not have to regulate, to the extent that it did not affect the achievement of the policy.

It seems to me that we could just as easily have been content with this approach, which, in my view, offers the best safeguards to ensure that we do not regulate services that have no demonstrable impact on the achievement of the objectives of Canadian broadcasting policy.

If we had avoided introducing what has been introduced in Bill C-11, I think we would have a much clearer law.

Mr. Martin Champoux: Mr. Trudel, do you feel that if we make a law that is too specific, that goes into too much detail, we are cutting the legs out from under the CRTC when it comes to regulating the broadcasting system, in addition to not properly addressing people’s concerns on these particular sections?

Mr. Pierre Trudel: That is exactly my opinion. So my answer will be very brief: you are absolutely right.

Mr. Martin Champoux: Thank you very much.

[English]

The Chair: Thank you very much, Monsieur Champoux.

I now go to the NDP and Peter Julian for six minutes, please.

[Translation]

Mr. Peter Julian: Thank you very much, Madam Chair.

I also thank all the witnesses. We are very happy that they are here, because their testimony is important.

We have been having witnesses here since last week, and the overwhelming majority of them support Bill C-11. Some of them have proposed amendments to us.

I will start with Mr. Trudel.

You said you support the bill. Do you still find that it could be improved?

Mr. Pierre Trudel: Yes. In my opinion, there are two ways to improve Bill C-11.

First, I would remove the proposed provision that prohibits the CRTC from requiring the use of algorithms or software solutions. These are tools that can be useful in regulation. I don’t understand why the CRTC would be prohibited from using tools of this nature if it deems it appropriate. In my view, subsection 9.1(8), which the bill proposes to add to the Broadcasting Act, should be deleted.

On the other hand, I would add something in the bill about the requirement for the CRTC to hold public hearings. It says that the CRTC will be able to make orders to impose conditions on undertakings that will be regulated, that is, those that have a significant impact on Canadian broadcasting policy. It seems to me that the CRTC's issuance of such orders should be conditional on the holding of public hearings at which everyone can be heard and make their views known. In my view, this is a tradition of Canadian broadcasting policy that should be maintained.

In Canada, we have been successful in creating a national dialogue on these often difficult and controversial issues. The CRTC has been, and should continue to be, that forum in which any actions or orders it considers could be openly debated by all citizens and interested groups. For this reason, I believe that the CRTC's obligation to hold public hearings should be expanded so that it also applies when it makes orders.

So those are the two improvements that I think could be made to the bill: removing the prohibition on requiring the use of software and expanding the obligation to hold public hearings.

Mr. Peter Julian: In fact, there is nothing preventing the CRTC from holding these public hearings now.

Mr. Pierre Trudel: You are absolutely right, there is nothing to prevent the CRTC from doing this at present, if they feel it is necessary. However, if we want to ensure that the CRTC will hold public hearings in these circumstances, it seems to me that it is best to establish an obligation to do so.

• (1155)

Mr. Peter Julian: Some witnesses suggested that employment and human resources obligations should be strengthened so that they also apply to foreign companies providing online services, not just Canadian broadcasting companies.

Do you think this would be a way to improve the bill?

Mr. Pierre Trudel: Section 3 of the Broadcasting Act, as amended by the bill, already provides for the obligation, at least for Canadian companies, to use Canadian human and creative resources. Indeed, it seems to me that foreign companies could have been required to use Canadian resources to the greatest extent possible, commensurate with the scope of their activities in Canada. This might be one way to ensure that foreign companies that come to earn revenue from the Canadian market reinvest some of that revenue in Canadian creative resources in a variety of ways.

Mr. Peter Julian: Last week we heard powerful and disturbing testimony from OUTtv's Brad Danks. He told us that the folks at OUTtv were upset that they had been turned down and excluded by several companies that provide online services because they didn't want LGBT content.

Is it worrying to know that because there is no regulatory framework governing them, companies have so much power that they can exclude entire communities or groups without being subject to any obligation?

[English]

The Chair: You have 16 seconds, Mr. Trudel.

[Translation]

Mr. Pierre Trudel: Indeed, it is worrying. At present, it is the companies that can, at will, censor the speech of minority groups, including the one you just mentioned.

It's better if it's exercised according to the act, and that's what the bill would allow.

[English]

The Chair: Thank you very much, Peter.

I will now go to the second round. It's a five-minute round.

We will begin with the Conservatives and Mr. Kevin Waugh, for five minutes, please.

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

Welcome, guests.

I'll just be honest. I don't share the enthusiasm that some of you have for the Canadian Radio-television and Telecommunications Commission, CRTC. Mr. Palmer and Mr. Trudel have been talking about the CRTC. We've waited 17 months for the CRTC to approve the licence of the CBC, the public broadcaster. We've waited a year now for a three-digit system for suicide, and I have some others.

On July 20, 2015, the CRTC said it would review the French-language music policy. Today, almost seven years later, the CRTC still has not finished that review. In 2008, it said it was going to review the 1990 indigenous policy and implement a new policy in 2011. Well, 11 years later, it still has not finished that review.

Mr. Palmer, you were there in 1991 for the Broadcasting Act. Am I incorrect in my assumption that the CRTC is well over its head. There's no way that it can possibly look after Bill C-11, when I've just stated four or five issues that it hasn't dealt with in the past 11 years.

What are your thoughts on that?

Mr. Philip Palmer: I don't like to criticize a professional organization like the CRTC. It has some good people. Its processes are probably slow and bureaucratic. It is unfortunate that it has been unable to address a number of major issues that have come before it to make the decisions and get them out quickly. I personally don't know what the factors are that are preventing the wheels from being greased a bit better. Clearly, it doesn't speak well to the future prospects of giving further regulatory powers to the CRTC, seeing how it's working at the present day. You're quite right.

• (1200)

Mr. Kevin Waugh: Yes. I'm worried about Bill C-11, but I'm more worried about Bill C-18. As you know, because you were there, you had no business in newspapers. The CRTC will now be chosen to pick winners and losers, but that's for another battle with Facebook and Google.

What recommendations would you make, because you were on the CRTC for five years, that would give us, let's say, some confidence that it is capable to deal with Bill C-11? Is there anything you can point out so that it would listen, as we are today, and take heed of an experienced person like yourself? Perhaps we can look forward to a couple of suggestions that would provide us with at least a bit of confidence in the CRTC.

Mr. Philip Palmer: That's really a question for Mr. Denton. I didn't serve on the CRTC.

Mr. Kevin Waugh: You're right.

I'll move over to you, Mr. Denton. What are your thoughts?

I think that public policy and public confidence in the CRTC are low in this country. I will say that. We have seen some decisions they've made, and some that they haven't made for up to 11 years.

Is there any way we can have some trust in the CRTC to follow through on regulations on Bill C-11, as you see it?

Mr. Timothy Denton: The basic point is that the current regulated universe has about 4,000 to 5,000 entities. With Bill C-11, the range of entities that would come under CRTC jurisdiction may get up to several million. Indeed, there are no limitations, as far as I can see, on the range of sources because it's just an IP address, of which there are billions, so take your pick.

The basic premise of Bill C-11, and the broadcasting telecom review that preceded it, is an almost infinite faith in the wisdom, capacity and talent of government to make complex and difficult decisions. A government is good at making some decisions sometimes, but with the range of authority being handed over to these people, who are only human, after all, and very much bound by law and regulation to make decisions in a slow and deliberate way, it won't work.

The Chair: Thank you very much, Mr. Denton.

Thank you, Mr. Waugh.

I now go to the Liberals and Chris Bittle.

You have five minutes, Chris.

Mr. Chris Bittle (St. Catharines, Lib.): Thank you very much, Madam Chair.

My questions will be directed to Professor Trudel.

To comment on the last set, we heard that the CRTC is both incompetent but all-powerful, all-seeing and all-encompassing, which is a strange argument across the board. However, Professor Trudel, I'd like to focus on a few things we heard from critics of the bill, and I am hoping you can address them.

First, will this bill allow the CRTC to implement a 30% digital tax on digital creators?

[Translation]

Mr. Pierre Trudel: As I understand it, the CRTC does not have the power to impose taxes. This bill does not give it the power to do so, and certainly not with respect to digital creators. I don't see where Bill C-11 would give the CRTC such power.

The bill does, however, ensure that companies that earn revenues from the Canadian market reinvest them in Canadian creation.

[English]

Mr. Chris Bittle: Thank you very much.

You spoke about clause 4, if we could go back there in terms of proposed section 4.2. There has been a focus of concerns, during the debate on the bill, about this section. Many people have interpreted this as an exception to the exception, as cancelling out clause 2 and its proposed subsections.

Can you explain how this is a flawed and superficial reading of the bill?

• (1205)

[Translation]

Mr. Pierre Trudel: As I understand it, clause 4 essentially provides that services that do not have an impact on the achievement of the Canadian broadcasting policy objectives do not have to be regulated.

Since it is possible that some services that do not have an impact on Canadian broadcasting policy today may have a more significant impact in the future, the act provides the CRTC with sufficient flexibility in this regard. Thus, the CRTC has the regulatory power to determine which services could be subject to regulation, to the extent that the activities of those services have a demonstrable impact on Canadian broadcasting policy objectives.

In short, the process seems complex to me.

[English]

Mr. Chris Bittle: Thank you very much, Professor.

Past witnesses have speculated that leaving the door open to regulating user-generated content might invite the CRTC to censor individual posts in the future.

Could you explain how proposed paragraphs 3(1)(g) and (h) prohibit this in Bill C-11?

[Translation]

Mr. Pierre Trudel: In my opinion, we can't really take these fears of alleged censorship seriously. The Broadcasting Act prohibits the CRTC from infringing on freedom of expression. Therefore, the CRTC could not take measures that would censor what users can put online. That seems to me to be completely out of the question.

To argue that this could happen, one would have to assume that the CRTC would be violating the act. That is why, in my opinion, this hypothesis has no basis in fact. It seems to me to be totally unfounded. It is not even a question of intent, but rather of fabrication, since the act expressly states that it must be applied with respect for freedom of expression.

So I don't understand how anyone can continue to claim that there's a risk that the CRTC will start censoring content, whether it's user-generated content or any other kind of content.

[English]

Mr. Chris Bittle: Thank you very much.

Many contend that the government is forcing regulation on an unregulated space. Can you speak to how platforms like YouTube and others are already setting the rules?

[Translation]

Mr. Pierre Trudel: That's exactly it. This is not an unregulated space; it is a space that is currently regulated by dominant companies. The question we have to ask ourselves is this: do we prefer to be regulated by the likes of YouTube, Google, and Facebook or by a democratic process, which Canadians are able to understand and to which they are able to contribute in a meaningful way? I think that's the question.

[English]

The Chair: Thank you very much, Professor Trudel and Chris.

My next speaker is Mr. Champoux for two and a half minutes.

[Translation]

Mr. Martin Champoux: Thank you, Madam Chair.

Mr. Trudel, I'm turning to you once again.

I found the end of your exchange with Mr. Bittle interesting. Some people say that no country has regulations on digital platforms and online businesses that are as invasive as Bill C-11. Yet in your column in *Le Devoir* on May 3, you talked about the European bill on digital services, which aims to make platforms accountable in general, especially for illegal content, violence, and so on, but which also addresses transparency in the operation of recommendation algorithms.

Tell us a little about this European approach.

Mr. Pierre Trudel: First of all, it is true that democratic states have been very slow to put in place rules to ensure that activities on the Internet are properly conducted. In this respect, Canada has always been a pioneer. The Broadcasting Act is a pioneering law. The world looks to Canada as an example when it comes to determining what to do to regulate audiovisual systems. In this sense, it is not surprising that no other country has done so before us, since we are pioneers. This seems to me to be an important element.

Moreover, we can see what is happening in Europe. We realize that these platforms operate on a very high scale. What we need to guarantee is the transparency and fairness of the algorithmic and artificial intelligence processes that are behind the operation of these platforms. This is what makes these platforms de facto regulated by the companies.

As I understand it, what is planned in Europe is essentially to force the major platforms to be much more transparent and to be more accountable for what they do by using these various technical processes that ultimately regulate the discourse to which all citizens, like you and me, will have access.

• (1210)

Mr. Martin Champoux: I'm going to ask a very quick question, because time is running out and I have very little time left.

In a recent column published this year, you also talked about online platforms, calling them data vacuums. I recently had discussions with representatives of ADISQ and they told me that it was extremely difficult to have access to the data collected by online companies.

This is a question to which I know the answer, but given the difficulty of obtaining the data, does the CRTC have any means other than access to the algorithms to ensure that the objectives imposed on online platforms are met?

You only have a few seconds left to answer.

Mr. Pierre Trudel: In my opinion, the way to proceed is to ensure that the data is more accessible to the regulator. The data are produced by Canadians like you and me, not by companies. It's our activities that are being monitored on the Internet, and these companies—

[English]

The Chair: Thank you, Professor Trudel.

I will go to the NDP and Peter Julian.

You have two and a half minutes, please.

Mr. Peter Julian: Thank you, Madam Chair.

I want to follow up on Monsieur Trudel's comments about the exclusion about TV. I'll direct my questions to Mr. Palmer, Mr. Denton and Ms. Roy.

We had testimony last week where OUTtv was excluded from a number of streaming platforms, which were basically saying they weren't interested in LGBT content and won't put that content on their platforms. We've had some proponents—people who are opposed to C-11—saying that they don't want gatekeepers for the streaming services, but it seems to me that this is a key example of big companies acting as gatekeepers in an exclusionary and discriminatory way.

I wanted to get comments from each one of you about this exclusion. For OUTtv, the company was basically saying that they're not going to have that content, without explanation. It could be indigenous peoples or it could be racialized people. There is a whole range of content right now that companies basically can choose, as they did with OUTtv, to exclude. There's no regulatory oversight.

Mr. Trudel testified that C-11 has an advantage of bringing to bear some regulatory framework.

I'm going to start with you, Mr. Palmer. How do you feel about that exclusion? Do you feel that companies are acting as gatekeepers? Would you admit that in this case it's very clear that their acting in that way?

Mr. Philip Palmer: I don't like the use of the word "gatekeeper" as such. The fact is that they own their platforms. They design the materials that they are going to make available to their subscribers or viewers on the basis of how they want to market and to whom they want to market.

Mr. Peter Julian: Thank you.

Mr. Palmer, I'm going to move on to Mr. Denton.

If you're fine with that exclusion, I will move on to Mr. Denton and ask him the same question.

The Chair: You have 37 seconds, Mr. Denton.

Mr. Timothy Denton: Mr. Danks is a businessman. He works successfully in a regulated environment. He's just had a taste of the power and ability of people to say no. It's a little shocking to him perhaps—

Mr. Peter Julian: You're okay with the exclusion. That's fine. Thank you, Mr. Denton.

I want to get a sense from you—

Mr. Timothy Denton: It's called capitalism.

Mr. Peter Julian: That's fair enough, Mr. Denton. I think you've made your point.

I disagree with you profoundly on discrimination and exclusion being something that we should just accept, but you have made your point.

Finally, I'll go to Ms. Roy.

• (1215)

The Chair: Thank you, Peter.

I now move on to the Conservatives and Mrs. Thomas for five minutes, please.

Mrs. Rachael Thomas (Lethbridge, CPC): Thank you, Chair.

My first question will be for Ms. Roy.

Thank you so much for taking the time to be with us again today. I certainly enjoyed hearing your opening statement.

I'm just looking for you to expand on a statement you made during your last visit at this committee. You talked about how you were prevented from succeeding because of gatekeepers that existed within the traditional media world. I'm hoping you can talk a little bit about how you overcame that and achieved success within a new platform.

Ms. Oorbee Roy: Thanks for the question.

I wanted to start by answering the last question. OUTtv, I believe, is Roku and the problem was with curated content, whereas they could be on TikTok or YouTube because that's user-generated content.

That brings me to my answer, which is that I found a space on user-generated content. Something that's not regulated. I've been on media channels for a couple of decades, but I've not earned any money from it. My story is told to check off some box, but I don't really make anything from it.

This is the first time that I've been able to make a living, and it's through user-generated content. I hope I answered your question.

Mrs. Rachael Thomas: Thank you.

Ms. Roy, it's been made clear by the chair of the CRTC, Mr. Scott, that user-generated content is in fact in and that it can be regulated. The CRTC does have the power to do so. Now, of course, they're trying to assure us that they are not going to. Nevertheless, the provision is there.

What does that do to you?

Ms. Oorbee Roy: It's like cutting off my arms and then trying to skateboard. It's just going to make things a little bit harder. Although it is possible, it is just going to make things a little bit harder. Once people try to interfere with me telling my story, I get silenced—and I'm talking based on decades of experience. I know what it looks like to get silenced, and this is what's happening.

You cannot regulate the open Internet. It just seems so shocking to me, and that's what's going to happen.

I don't see many faces on the CRTC who look like mine, so I don't have any faith.

Mrs. Rachael Thomas: Help me understand that last comment you made, that you don't see many faces that look like you. What do you mean?

Ms. Oorbee Roy: Here today and also on the CRTC, I look at the people on the panel, and I just don't think that there are a lot of people who look like me, and I just don't think that my views are going to be represented. People can stand here and talk about people of colour, but I'm a person of colour saying I don't feel that regulation is going to work in my favour, and that's based on a lot of experience.

Mrs. Rachael Thomas: Would you say that there has been opportunity for you as a visible minority to create success for yourself within a digital platform?

Ms. Oorbee Roy: Yes, that is so exciting. I didn't start thinking that I was going to make a living off this, but platforms like TikTok have been very supportive of me. They've been helping me, and I've never in my life received that kind of help. That is coming from a user-generated content platform, and that's been helping me. It's a recipe for success.

I think I can pull off being an adult skateboarder and make a living off that because of TikTok and user-generated content. How cool is that? It is freaking cool.

Mrs. Rachael Thomas: I'm super-impressed. I want to be like you when I am 45.

For my next question, I want to ask you about CanCon and discoverability. Under Bill C-11, we know that anything that falls within the definition of CanCon will be bumped up in the queue. In other words, it will be forced in front of the eyeballs of Canadians in order to give it preference, in order to “promote” it. However, it is my understanding that this will have a detrimental impact.

I'm hoping that, as an individual who uses YouTube largely as your platform and TikTok as well, you could comment on what this will do to you.

Ms. Oorbee Roy: I think it's proposed subsection 9.1(8) that talks about the outcomes. That's the algorithm, really. That video that had 7.2 million views created opportunities for me to get brand deals, so that will basically chop my views by 30%, because those views are going to go to CanCon content and that automatically directly affects my ability to get in front of people.

Somebody saw a video of mine and called me from *The Kelly Clarkson Show* because they saw my video. That's going to be shut down by 30%, so it directly affects me.

• (1220)

Ms. Rachael Thomas: Ms. Roy, thank you so much for being here today. I very much appreciate your testimony.

The Chair: Thank you very much.

Now I'm going to Mr. Louis for the Liberals for five minutes, please.

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

I want to thank all our panellists for being here today. It is much appreciated.

I will direct my question to Professor Trudel.

Much of the debate on Bill C-11 has muddled a very important distinction. The Internet does not simply equate to social media platforms, and platforms don't equate to the whole of the Internet. Social media platforms are headed by companies that are making tutorial, algorithmic, data-led business choices every day in running these platforms, and that has a direct impact on creators on these platforms and the users themselves.

Can you speak on this distinction and on why it's important that we study Bill C-11's regulatory obligations for these companies?

[*Translation*]

Mr. Pierre Trudel: In fact, the issue of algorithms is crucial, because by default, that's how speech is regulated in the large platforms. At present, it is the companies that own these large platforms that have control over the algorithmic processes, and it is they who are targeted by the bill. Let's not kid ourselves. It is not individuals who are targeted, but the large companies that own the large platforms. However, these algorithmic processes have the disadvantage of being very opaque. They are not very visible. We do not know how these platforms and algorithms work, and no independent authority is in a position to know.

The strength of Bill C-11 is that it puts in place mechanisms that will allow an independent body, the CRTC, to hold the major plat-

forms accountable, particularly with respect to the operation of their algorithms.

Are the algorithms of these platforms compatible with the principle and values of inclusion that we cherish in Canada? Do these algorithms discriminate against some of our fellow citizens, for example against LGBT+ groups, which were mentioned earlier? We don't know at this point. We must rely on the good faith of companies, and I do not doubt their good faith. In fact, if these companies are acting in good faith, they should have no difficulty explaining how these algorithms work and demonstrating that this is completely compatible with Canadian values, particularly with regard to equality.

[*English*]

Mr. Tim Louis: Thank you for that.

I can maybe sum it up by saying that the users control what they're saying online, but the companies and the platforms are controlling what they see.

We're also hearing the assertion that a lot of the regulation proposed in the bill doesn't apply to platforms but is actually applying to the content directly. Can you assuage those fears?

[*Translation*]

Mr. Pierre Trudel: In fact, the regulation applies to the platforms. The Broadcasting Act practically never regulated the content itself, and it's the same thing today. What the CRTC does is regulate the way companies organize their operations, not the direct content. The CRTC does not censor or interfere with content. The CRTC, under the Broadcasting Act, simply ensures that undertakings operate in a manner consistent with the principles and objectives of the Broadcasting Act. These principles contain values of inclusion that ensure that Canadians can find material and content that stem from Canadian creativity. That is what we are talking about. We are not talking about regulating individuals; we are talking about regulating businesses and the way they operate.

• (1225)

[*English*]

Mr. Tim Louis: Thank you.

Some people are saying proposed section 4.2 provides sweeping powers. You've already addressed it, but it bears talking more about it.

Can you correct the false assumption that there are sweeping powers for the CRTC in proposed section 4.2? What are those regulatory powers that are granted?

[*Translation*]

Mr. Pierre Trudel: I do not believe that this gives the CRTC too much power. When exercising its powers under proposed section 4.2, the CRTC must at least ensure that it respects freedom of expression. So I don't see why there is any concern that users or individuals will be harmed by this section.

[English]

The Chair: Thank you very much, Monsieur Trudel.

Now we go into another round. That will begin with the Conservatives, and Mr. Uppal for five minutes.

The Clerk: Dr. Fry, it's actually going to be Mrs. Thomas.

The Chair: Okay.

Mrs. Thomas, you have five minutes.

Mrs. Rachael Thomas: Thank you, Chair.

Mr. Denton, I'm hoping you can weigh in here.

There's been a lot of talk around the Broadcasting Act and it needing to "be updated". It's said that this is what Bill C-11 is all about. However, in your opening remarks you would say otherwise. I'm hoping that perhaps you can talk a little bit about how this bill is actually quite regressive in nature and how it brings speech under the control of government through the categorization of "broadcasting".

Mr. Timothy Denton: Thank you.

What we have here is something that appears to be about broadcasting because it derives from broadcasting law and its intense regulation, but through the way it has defined the word "program", that which is regulated by the CRTC has escaped any previous technological boundaries, any particular way in which the communication is to be achieved so as to expand the range of regulated entities from Canadian broadcasters, as we've understood them—there are about 4,000 to 4,500 entities—to potentially millions of websites and users who generate content.

When you think about it, the idea of a user who generates content, the Internet and computers have empowered people to create. Look at Oorbee Roy. They have empowered people to create, and these creative people now have new tools at their disposal. They have sound and video, not just computers which crack out emails and perhaps download or upload a video. They have entirely new capacities and the freedom to communicate, and this, say the authors of this bill, is a problem that needs fixing. It needs to be made to conform to an obsolete artifact of the 20th century called broadcasting technology and broadcasting regulation.

It may have made sense when there were very few voices talking to very many voices who couldn't talk back. Broadcasting regulations made sense in the mid-20th century, but after the invention of the Internet, with millions talking to millions, it's just essentially quite crazy. I don't think we should mince words about it.

I hope I've answered your question. There we go.

Mrs. Rachael Thomas: Mr. Denton, thank you.

Mr. Trudel seems to be raising his disagreement with you on that.

If I were to give you an opportunity to respond or address some of the arguments that he is making, would you wish to do that?

Mr. Timothy Denton: First of all, I think Mr. Trudel is making a brilliant defence of a system that is technologically obsolescent and in the process of being replaced, as regularly happens with technology and capitalism. It takes an obsolete system and renders it use-

less. It renders it hopeless. The situation that is usually engaged in when you have a business model that is failing is to use law, the power of law, to hobble your competitors, and this is what we see is really going on in the most simple and brutal terms. The broadcasting interests in this country want everything to be made to be as regulated as they are, and to make the new world conform to the older one that is passing out of existence.

That, I think, is at the core of the arguments the Internet Society is coming from. We are in a natural and quite normal process of revolutionary change in technologies. To attempt to say, no, this old world of few voices, highly regulated, must be carried on, this closed and subsidized system of creators needs to carry on into the future.... Forgive me, Oorbee Roy, but when you look at her, you see that she's the future. She's what's happening. She's doing it on her own, and she's doing it without subsidy, without regulation, without licensing, without permission from anybody. She's just doing it. This is a frightening spectacle for a lot of people in the Canadian broadcasting industry who read the writing on the wall and say that it's time for government to come and save us.

• (1230)

Mrs. Rachael Thomas: Thank you, Mr. Denton. I appreciate your time today.

The Chair: Thank you very much.

We're going to just finish this round very quickly, because we do have a 15-minute business meeting.

Therefore, I'd like to go to Monsieur Champoux for two and a half minutes, please.

Oh, I'm sorry. It's Mr. Bittle.

We may not be able to finish this round, folks.

Go ahead, Mr. Bittle.

Mr. Chris Bittle: Thank you so much, Madam Chair.

Professor Trudel, would you like to respond to Mr. Denton's comments?

[Translation]

Mr. Pierre Trudel: In fact, the challenge is to update the regulations that all the countries of the world have deemed necessary to implement to ensure that everyone has a real voice and can have a say. Of course, the technical world of the Internet allows for many more possibilities. However, we have seen and are seeing more and more that the Internet, as it currently operates, is dominated by a number of large companies that are practically monopolies, and it is these companies that regulate the system.

So, indeed, the great challenge is to update the regulation not to try to keep some kind of dead regulation artificially alive, but rather to modernize the state's way of doing things. The presence of the Internet implies changes in everyone's way of doing things, including those of the state. I am among those who believe that Bill C-11 will have to change the way regulations, particularly through the CRTC, operate to take into account the fact that we have a technological framework that is very different from the one that existed before.

What does not change, however, is the need to ensure the fair operation of this space for exchanges, which has become considerable and impressive. We need to make sure that it continues to work in such a way that Canadians also have a voice.

I think that is how Bill C-11 should be viewed—not as an attempt to keep an embalmed corpse alive when things are dying. It is quite the opposite. There are opportunities, and we need to make sure the regulatory system works in a way that equips all Canadians to take their place in this different but challenging environment.

[English]

Mr. Chris Bittle: Thank you, Professor.

I wonder if you could, please, explain the scope of the bill pertaining to discoverability obligations.

[Translation]

Mr. Pierre Trudel: The discoverability obligations are a very good example of the phenomenon we are witnessing. The large platforms do not operate in a neutral manner, but rather according to commercial interests. So they do not have a natural interest in promoting material from minority cultures in Canada, such as francophone communities or aboriginal peoples, among others. In other words, the natural function of platforms is to serve the majority or the general public. The regulation aims to ensure that this natural function comes with conditions that allow everyone to find the material that corresponds to their preferences, but also to their cultural identity. Currently, platforms do not allow this. Music platforms, for example, do not allow for the discovery of Canadian works, especially francophone works. You only have to go to Spotify to see this.

Discoverability has become a phenomenon that we absolutely must monitor if we want to ensure that the works produced by our Canadian creators are viable. If we want our creators to be able to make a living from their work, we have to be able to find them. Currently, that is not what is happening. That is why we need regulatory mechanisms to ensure that our creators' works can be discovered.

• (1235)

[English]

Mr. Chris Bittle: Thank you very much.

Madam Chair, how much time do I have left?

The Chair: You have 22 seconds, Mr. Bittle.

Mr. Chris Bittle: That's fine, Madam Chair. Thank you so much.

The Chair: Thank you very much.

Just before we finish this, I will just allow the Bloc and the New Democrats to go for two and a half minutes each.

Mr. Champoux, you have two and a half minutes.

[Translation]

Mr. Martin Champoux: Thank you, Madam Chair.

Just a few minutes ago, we were talking about discoverability with Mr. Trudel and I found that very interesting.

I would now like to turn to Ms. Roy.

Ms. Roy, at the beginning of one of your interventions, you said that you would be very happy to be able to benefit from financial support. I agree with you.

Earlier, you said that you did not identify with what you saw. That reminds me of a time when francophone artists in Quebec did not identify with what they heard on the radio and did not have a place in the media in general. That is why the CRTC established obligations for broadcasters to include and present content from francophone artists. Today, Quebec's francophone cultural community is doing well. This includes artists as well as creators of music and audiovisual productions. These people have access to grants and are shining on a global scale, as well as on digital platforms.

Don't you think that a well-adapted regulation would benefit digital content creators like yourself?

[English]

Ms. Oorbee Roy: Thank you for the question.

Ultimately I think you have to make good content that's interesting for people to watch. If people like the content, they'll watch it. I don't need help in order to do that. I study it, I learn it and then I create good content. Ultimately if I'm being regulated, that's going to restrict me, so yes, sure, I'd like some help from the platforms. I talk to them all the time about it. There is a French creator Patrick Watson, who created a song a few years ago and is killing it on TikTok right now. I think that there are opportunities for creators. You just have to make good content.

[Translation]

Mr. Martin Champoux: Let me jump in. You're talking about Patrick Watson, who is one of my favourite artists. He's my idol. By the way, he's an anglophone artist. He has produced some French content, but it's not the bulk of his work.

Where I differ with you is that good content, if not available, is hard to find. Artists like you who produce good quality content sometimes need support to get it out there. In your case, you are not alone, but others may be a little less fortunate than you. Don't you think the possibility of financial support or better exposure could be beneficial?

I don't know what your basis is for saying that you would be penalized by that, because history shows that, on the contrary, these elements of discoverability have allowed artists to be discovered and to enjoy greater visibility.

[English]

Ms. Oorbee Roy: I say that from experience. I'm saying it because it's happened to me over and over again. I've been written out of the story, and it happens. As a person of colour, I'm telling you that it happens to me and it still happens today. I don't trust that the CRTC is going to have my best interests at heart, and that's it.

[Translation]

Mr. Martin Champoux: Yet—

[English]

Ms. Oorbee Roy: I want to be explicitly protected in the legislation as the minister says I am.

• (1240)

[Translation]

Mr. Martin Champoux: That's contradictory, Ms. Roy. What you are saying is that you have been excluded. What we are proposing is that you be given more visibility, that you be seen by more people, but you obviously do not agree with that.

Thank you. At least I tried.

[English]

Ms. Oorbee Roy: I don't qualify for CanCon, as it stands.

[Translation]

Mr. Martin Champoux: It's not just the Canadian content regulations that allow you to get visibility. In fact, I was talking to you about better adapted regulations that would allow you to take advantage of the visibility and possibly the funding that would come with it. In that sense, it seems to me that it would only be positive, wouldn't it?

[English]

Ms. Oorbee Roy: I think if we had more people at the table, like digital content creators or people of colour, people who could better represent our needs, then maybe I would feel more confident about that. As it stands right now, I just don't have the confidence. If we can make those additions bring more people like me out there, then yes.

[Translation]

Mr. Martin Champoux: We agree on that.

Thank you very much.

[English]

The Chair: Thank you, Mr. Champoux.

I'm going to go to Peter Julian for two and a half minutes.

Go ahead, please, Peter.

Mr. Peter Julian: Thank you very much, Madam Chair.

I would like to come back to Ms. Roy.

I found your testimony very interesting, because we've had, of course, a significant number of witnesses stepping up and very positively talking about Bill C-11. We've had a number of witnesses talking about amendments. We had some people who are opposed to C-11, but at the same time there seem to be very compelling arguments for it.

I want to come back to the issue of TV, and I would like you to respond to it. You mentioned earlier that it is curated, the streaming service. That's fair enough, but is that exclusion, that discrimination, something you feel we should be concerned about?

Ms. Oorbee Roy: Of course there is a concern about being excluded. I completely agree that should be addressed, but I think that's in curated content. We're talking about user-generated content and that's not restricted, so I'm not sure I understand the question.

Mr. Peter Julian: No, I think you responded. You said it's not okay. We've had some other witnesses who say that's fine and I deeply disagree with that.

You're saying it's not okay. You've had undoubted success. I gather from your testimony and your responses to questions that you see a role for Bill C-11, but what you're concerned about more is getting improvements within the bill.

In the discussions we've had today and the questions that you've had, are there areas specifically where you think Bill C-11 can be improved? You certainly talked about the CRTC and I understand that. Are there other areas where you think Bill C-11 can be improved so that it is a benefit, from your perspective?

As I mentioned, many of our witnesses have been strong advocates for Bill C-11.

Ms. Oorbee Roy: I have no opinion on how it should be improved, other than to say I should be explicitly protected in the legislation, as the minister says I am.

The Chair: Thank you very much.

You have seven seconds, Peter, to make your statement.

Mr. Peter Julian: Thank you, Madam Chair.

I think we've had some interesting testimony. I certainly appreciate Ms. Roy's contribution.

The Chair: Thank you very much.

I want to thank the witnesses for their time this morning and the excellent controversy, which is always good. It makes for an interesting meeting.

I would like to suspend now until the witnesses leave and we can begin our business meeting.

Thank you very much.

• (1240) _____ (Pause) _____

• (1245)

The Chair: Thank you, everyone.

This is not going to be terribly long. We're trying to find out a couple of things from you for moving forward. One of them is what an appropriate deadline would be. It would have to be at the end of this week, for us to set a date for sending in amendments.

Please, I will entertain someone making suggestions from the floor.

Mr. John Nater: Thank you, Madam Chair.

From the opposition's standpoint, we're not prepared to set a date yet for the deadline for amendments. We haven't heard from our witnesses yet. Until we've heard from all the witnesses, I don't think we're in a position to set a deadline. I respectfully argue that this is a conversation that should happen next week, after we've had the witnesses.

In terms of the second thing we have to decide—the approval of the budget—I'm happy to move approval on the budget, so that the clerk can have direction on that.

I move that we approve the committee budget for the study.

The Chair: All right. Is there any opposition to that?

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

The Chair: The budget is approved. Thank you very much.

The Clerk: Is that in opposition, sir?

[*Translation*]

Mr. Martin Champoux: This is not to object, but simply to come back to the issue of the amendments.

[*English*]

The Chair: Thank you.

Before I ask again for a deadline for amendments, we do not just have a deadline and the amendments suddenly appear. People have to prepare for them. Everyone knows that, after we've had our public meetings of witnesses, we are going to be moving to amendments. I am once again asking because we need to give the clerks, including the legislative clerk and analysts, the time to do that.

We had agreed on a 20-hour meeting schedule. We will have finished that on Thursday, June 2. We need to know to be able to start the following week on Monday with amendments, so I am once again entertaining a suggestion from someone from the floor to set such a deadline.

Mr. Bittle.

Mr. Chris Bittle: Thank you very much, Madam Chair.

We would propose Friday at 4 p.m. as a good time to have amendments submitted. We will have exhausted our witnesses by the end of Thursday. Most of our witnesses will be done by the end of today, which will give time for members to prepare amendments from many of the witnesses we've heard from. I think that's a reasonable period of time for a deadline.

The Chair: Thank you, Mr. Bittle.

Do I hear any discussion on Mr. Bittle's suggestion? Is there any opposition to his suggestion?

Mr. Champoux, please go ahead.

[*Translation*]

Mr. Martin Champoux: I certainly do not object, Madam Chair. Indeed, we are quite familiar with the file and we have heard enough witnesses. I think that we have made up our minds a while ago about the nature of the amendments we want to table.

I would like to put a simple question to Mr. Méla, who is with us.

We may well table the amendments before Friday at 4 p.m., but if other amendments come up or become clearer afterwards, I imagine it will not be too late to table them. The 4 p.m. Friday deadline is not final, is it?

[*English*]

The Chair: Mr. Méla, are you there?

Mr. Philippe Méla (Legislative Clerk): Yes, I'm here, Madam Chair.

[*Translation*]

Indeed, Mr. Champoux, this deadline for tabling amendments was given simply to allow us to prepare the package of amendments, to organize the committee's work and to set the schedule accordingly. That does not preclude members from proposing other amendments during the course of the proceedings, if necessary.

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

I think that the 4 p.m. Friday deadline is quite reasonable.

[*English*]

The Chair: Thank you.

Mr. Julian, please go ahead.

[*Translation*]

Mr. Peter Julian: Thank you, Madam Chair.

I also agree that the deadline should be Friday at 4 p.m. I think that we've heard all the necessary witnesses. As you said, Madam Chair, this gives us the opportunity to submit the amendments and to have them translated.

[*English*]

I think four o'clock is reasonable for all the preparatory work that is required to get amendments processed for consideration in clause-by-clause.

That being said, I understand there are amendments that could potentially come out of testimony this week that won't be ready, and I would suggest to the committee that we be somewhat flexible. Unanimous consent is something that we can apply to accept additional amendments. We should be flexible in that regard, that if there are additional amendments to consider that are submitted in good faith, we accept them by unanimous consent.

That way we have a hard deadline of Friday at 4 p.m. with some flexibility if there is testimony on Thursday that compels members to think of additional amendments they want to bring forward. We have the ability, as a committee, to do that. I trust members of this committee to do the right thing if there are a few additional amendments brought forward.

• (1250)

The Chair: Thank you very much, Peter.

Mr. Méla said there is always room to bring further amendments as we also consider amendments coming from the floor.

Mr. Nater, please go ahead.

Mr. John Nater: Thank you, Madam Chair. I do have some comments to make, but first, I want to get clarification from the clerk.

As we know, typically for most committees, estimates are due back today, the exception, of course, being our committee, the heritage committee. Under the Standing Orders, the Leader of the Opposition has the ability to extend that time for one committee, and Ms. Bergen has chosen to extend the heritage committee's estimates review, so we do have additional time beyond today to hear from the minister and his departmental officials on the estimates.

I would turn to the clerk for clarity on this. We've invited the minister and departmental officials on the estimates. They haven't yet come. I'm asking for clarity in terms of what their response has been and when we might expect a response from the minister to join us at this committee.

Then I have comments on the motion at hand.

The Clerk: Mr. Nater, just to be clear, is the question about when the minister is intending to come on the estimates?

Mr. John Nater: Yes.

The Clerk: I have not received a response to that request.

Mr. John Nater: I guess that goes back to my comments.

The estimates are fundamentally still one of the most important aspects of our parliamentary system. We have not yet heard from the minister.

When this government was first elected, the indication was that ministers would be made available to committees. I think there are a few things more important than the estimates in normal times. Today was our deadline. The fact that the Minister of Canadian Heritage has not seen fit to join us at this committee to review the estimates is unfortunate.

Thankfully, the leader of Her Majesty's loyal opposition has this committee's back and has provided us with some time to extend the

estimates so that we can hear from the minister. The minister needs to be here. The fact that he hasn't been here yet is exceptionally unfortunate. Those are my comments on that. I hope that those from the minister's office are listening to this and will see fit to ensure that the minister makes himself available to this committee before our extended deadline so that we can review the estimates and report back to the House of Commons, as is our duty.

Going back then to our question at hand, which is the deadline for amendments. We said that we would have 20 hours of testimony. I believe by the end of this week, we will be at 19. We have at least one more hour next week. We haven't heard from all of the witnesses. We don't yet even know who we're hearing from later in the week, in terms of our Thursday witnesses. It takes some time for any party, us included, to come to a discussion among our colleagues—both those on the committee and elsewhere—and decide what types of amendments and suggestions we are going to come forward with.

I don't need to remind anyone on this committee about the challenges that were faced by this committee in the review of Bill C-10. There were things that were rushed, that were voted on and were removed during the clause-by-clause and the amendment process, which made it quite unfortunate.

I'm going to reinforce—I know Mr. Uppal wants to share a few words—that we are not in a position to commit to a deadline for amendments today. I'm not saying we will never be in a position to do that, but today we are not willing to make a deadline of this Friday for amendments to this bill. That's our position.

I know Mr. Uppal wants to make some comments. I might come back with more comments later.

• (1255)

The Chair: Mr. Nater, we have a hard stop in about six minutes.

After Mr. Uppal speaks, I would hope that we could move on the deadline. It seems that there is majority support for this particular deadline. Thank you.

Go ahead, Mr. Uppal.

Hon. Tim Uppal (Edmonton Mill Woods, CPC): Thank you, Madam Chair.

I find it difficult that we would be proposing a deadline for amendments before we've heard from all of the witnesses. In this place, we do a lot of important work, but I think there are few opportunities to do something that affects Canadians as directly as this does—Canadians of all ages. This is about how they consume content from the Internet. Many constituents have contacted us, whether for or against this bill. I think it's important that we hear from all of the witnesses.

I also believe—I don't really want to push this—that the 20 hours was a starting point. It was something that we agreed on, that we'd probably need 20 hours to study this. I know I have received information from other Canadians and organizations that would like to witness as well. I think it would not be appropriate for us to set a deadline for amendments before we hear from all of the witnesses.

I also think it would be definitely not appropriate for us to have some type of unanimous consent, as Mr. Julian recommended, to propose more witnesses. I think flexibility is flexibility. Flexibility does not require unanimous consent.

I think it's important that we hear from all of the witnesses, and that we definitely provide some more time after we hear from the witnesses to provide those amendments.

The Chair: Thank you, Mr. Uppal.

Mr. Waugh, your hand is up.

Mr. Kevin Waugh: Thank you, Madam Chair.

We've had only six hours of committee this week, Madam Chair. We had four hours yesterday, interrupted by bells. We were extended a little bit in the evening. We've done only two hours today. We still have another four hours to go through today, another two hours Wednesday and another two hours Thursday. Then, of course, we go into next week.

I don't think it's fair to send in the amendments when half of our witnesses haven't even come to committee. They're changing every hour, as you know. The clerk updates the schedule every 30 minutes, it seems, where somebody is dropping out or somebody is coming in. Those who drop out may want to come back at a later time. The time may not have suited them. Even today I saw lots of changes. Yesterday there were many changes.

Madam Chair, I think we should prepare next week for the amendments. We've all agreed to the 20 hours. If we need more, fine. I think it would be fair that we go through this week's testimony and get prepared for next Monday. I can't even tell you right now who's coming on Monday. I don't think it's fair to ask committee members to prepare amendments when we really have no idea who's coming on Monday.

As I said, they're dropping off like flies. Somebody comes in or somebody decides at the last moment it's not a good date. We've had some written recommendations, but I don't think it's fair for the committee to plan the amendments when, really, we haven't completed the witness list and heard from all.

I'll tell you, Madam Chair, that I may have a different opinion after I hear from everyone. I may drop an amendment that I heard on a Wednesday or a Thursday this week if somebody who came in Monday gave a different view. I don't think it's fair to the clerk and all those involved if, all of a sudden, no, we don't want that amendment because we heard a different view on Monday that opened up a whole new discussion.

I would just bring that forward for your consideration.

• (1300)

The Chair: Thank you very much, Mr. Waugh.

I am listening, and I have made a consideration. I would like to respond.

I think we had all agreed when we started and embarked on Bill C-11 in good faith.... I sat here and I listened to everyone talk to each other quietly in the room. We suspended in order to do that. It was not a question or a tentative suggestion. We had agreed that there would be 20 more hours of hearing witnesses.

By Thursday, June 2, we will have achieved 19 hours. I am certain we could ask the clerk if we could extend one of those meetings by one hour. She would try to find a way to do that, if everyone is insisting on the 20 hours. It is what we had all agreed on.

I think we have always had meetings where we were doing thing one and looking ahead to do item two. It is not unusual for committees to look ahead. We are looking ahead.

I have had suggestions from the floor. It is important that we respect the clerk and the legislative assistant and the legislative analysts, who would like us to give them some formal direction. It has been suggested by one of the members of this committee, and agreed on by two other parties, that in fact a hard deadline...or not a hard deadline, because Mr. Méla has told us that the deadline can fluctuate. If we have a deadline for the majority of amendments to come from this committee by four o'clock on Friday, it means that if on the weekend or on Thursday we hear some things that we want to change, Mr. Méla has assured us that we have the ability to do that while we're considering amendments. These can come from the floor.

I don't see that this is necessarily unfair. I think this is about good faith. This committee has always worked on good faith and on consensus. I think we saw that when we agreed on the 20 hours of witnesses.

What I would like to suggest is that the majority in this room...and I think I would like to hear if there is opposition to that hard deadline, because I'm going to call for a vote on it.

Mr. John Nater: I have a point of order, Madam Chair.

I don't think you can. You cannot call for a vote. There's still a speakers list.

The Chair: I saw no hands up when I called for the vote. Before I responded, I had one final speaker. That was Mr. Waugh. I saw no other hands, and the clerk did not indicate to me that there was another hand up before I spoke. She had her hand up, I asked her and she told me that she was sorry to interrupt me.

I have made my statement and I am calling for a resolution to this—

Mrs. Rachael Thomas: Madam Chair, I have point of order.

The Chair: Yes, Ms. Thomas.

Mrs. Rachael Thomas: Madam Chair, I'm sorry. If you were in the room, you would understand that the clerk has had her hand up for quite some time, and when she addressed you earlier, it was not to apologize for interrupting; rather, she indicated that there were, in fact, hands up.

I would encourage you to check in with the clerk and verify, please.

The Chair: Ms. Thomas, I also asked the clerk, when her hand was up. I said, "your hand is up" and she said to me, "I'm sorry to interrupt"—

Mrs. Rachael Thomas: I have a point of order.

The Chair: You asked me, Ms. Thomas, to ask the clerk a question and I'm doing it.

Mrs. Rachael Thomas: Wonderful. Thank you so much, Chair.

The Chair: Maybe if you allowed me to speak, you might understand what I'm saying. Let me finish my sentence, please, Ms. Thomas.

Now I'll go to you, Clerk.

The Clerk: Yes, Madam Chair.

I have Mr. Julian, Ms. Thomas and Mr. Nater on the speaking list.

The Chair: Thank you. How long do we have this room, Madam Clerk?

The Clerk: We're usually good to extend by about 15 minutes. I will have to check for anything beyond that.

The Chair: Can you please do that? Thank you.

Now we'll go to Mr. Julian.

Mr. Peter Julian: Very briefly, Madam Chair, I think your idea of extending one of our meetings an hour this week to get the 20 hours is important, and I think the Friday deadline is reasonable. All parties have been working on their amendments all along, so it's not as if we'll wait until the final witness before we start working on amendments. That's not how this place functions.

This is a reasonable proposal. We may not get agreement immediately, but we have a number of other meetings where we can continue that discussion off-line. I think that, in our case, we will be getting the amendments in this Friday for 4 p.m., and I expect that most parties will be doing that, because it's a simple matter of respect for our employees.

I agree with Mr. Nater about the additional hour and I support that request from the Conservatives. Let's add that extra hour. Let's

have the deadline for Friday and let's continue the discussions when we get a chance over the course of the next three or four committee meetings today, tomorrow and Thursday.

• (1305)

The Chair: Thank you, Mr. Julian.

I think the next person up is Ms. Thomas.

Mrs. Rachael Thomas: Thank you, Chair. I appreciate being acknowledged.

The Chair: I always acknowledge you, Ms. Thomas, if your hand is up.

Thank you. Go ahead.

Mrs. Rachael Thomas: Thank you.

Madam Chair, you talked about the importance of looking ahead, and, sure, I think we can all agree to that. That's no problem. We can look ahead and anticipate what's to come. However, what I believe is perhaps unreasonable in this scenario is that we're being asked to put forward amendments without yet having heard all of the testimony that is to be brought forward to this committee. We don't know what those remaining witnesses might bring forward with regard to recommendations for amendments. There seems to be a lack of any sort of logic to enforce that or to make sure that we bring forward amendments before hearing from those witnesses.

I would highlight for the committee that the agreement we came to was not for a maximum of 20 hours. Nor was it a hard stop at 20 hours. It was for a minimum of 20 hours of witness time. I can appreciate that the last hour within that minimum framework will be granted—that is the right thing to do—so thank you, but also, let's acknowledge the fact that there are many more witnesses who have asked to come before this committee. Perhaps it is worth acknowledging that and seeing if it might be possible to give additional time.

For example, we have a bill in front of us that is going to have a direct impact on places or companies like Apple or Amazon or Roku, none of these has been invited as a witness, as far as I can tell, thus far. I'm wondering if there would be opportunity to bring forward witnesses such as the ones I have listed just now.

In addition to that, I think we as a committee have a responsibility to make sure that multiple voices are represented here on behalf of Canadians. That is our job. To rush this through without giving a chance for a variety of witnesses—including the ones I have listed—to be heard from seems irresponsible. Again, I would just encourage the committee to perhaps consider going above and beyond that minimum threshold of 20 hours.

The other thing I will state is this: It stands out to me that the CRTC chair, Mr. Scott, testified in this committee a couple of weeks ago, at which point he stated that the CRTC does have the ability to regulate user-generated content within the framework of this piece of legislation, Bill C-11, as it stands. That is interesting to me, and to many Canadians, because there is a charter statement that says otherwise and deems this bill charter-compliant.

The CRTC chair Mr. Scott and the charter statement cannot both be true. It would seem, then, that a new charter statement is required at this committee before we can move forward and consider the bill in clause-by-clause, because if in fact this bill, as it stands, is not found to be charter-compliant, then that would need to be revisited. Again, this committee would not be doing its diligence or functioning in a diligent manner if it did not take that into account. I would encourage this committee as well to call for a new charter statement before we continue proceeding to clause-by-clause consideration.

Madam Chair, in summary, I'm asking for two things. I'm asking that we consider the fact that when we discussed hours granted, we said a minimum of 20 hours, so there is opportunity to hear from additional witnesses who would like their voices to be added here at this committee.

The second consideration that I am putting before you as chair and the rest of the members of this committee is that a new charter statement is required in order to ensure that this bill is in fact compliant with the Canadian Charter of Rights and Freedoms. Again, I will highlight that there is an incongruence between the testimony of Mr. Scott and what the charter statement says.

• (1310)

The Chair: Thank you.

I think the next person whose hand was up is Mr. Waugh.

The Clerk: It's actually Mr. Nater.

The Chair: Thank you.

John.

Mr. John Nater: I was going to cede my time to Mr. Waugh, but I'll just offer a few comments on what Ms. Thomas just said, and that's to do with the charter statement.

This afternoon we'll be hearing from the CRTC. They are, obviously, the entity that will be implementing this piece of legislation. They're the ones who will be granted the regulatory powers to do any number of things. Again, to commit to a deadline of this Friday, without even hearing from those implementing the legislation, I think, is premature.

To comments from Ms. Thomas about the charter statement, I think that is a troubling scenario, where an assumption is made and that assumption has been dispelled by the chair of the CRTC. I think we need clarity on that, whether that's an updated charter statement from the Minister of Justice or whether it's the minister appearing before this committee to make the argument in terms of that charter statement and the continued prevalence of that statement, given the testimony we have heard.

Again, I'm not ready to commit to a deadline. I think we can all have conversations off-line over the next little while and see if there might not be a scenario that we can come to. I think, first and foremost, we need to hear from the witnesses. Until such time that we've heard from our witnesses, then we are not ready or able to commit to a deadline to have amendments.

I'll leave that at this point for now, and look forward to comments.

I believe Mr. Waugh has some comments to make.

The Chair: Yes, as chair, I did recognize Mr. Waugh, Mr. Nater.

We have Mr. Waugh, please.

Mr. Kevin Waugh: Thank you, Madam Chair.

I just received on my Twitter account that this person submitted a brief to the Canadian heritage committee and it does not yet appear on the committee web page. I'm sure there's a number of them.

I would say, Madam Chair, how disrespectful for future witnesses if we move ahead with the amendments before many of them have a chance to have a say. Put yourself in their position. The amendments have been made, yet they haven't been invited to the committee hearings. That would dampen anybody, moving forward, would you not think? If I know all the amendments are already made, and I come the next day, what good am I?

I think that's very disrespectful on the part of our committee, all of us sitting around, that we wouldn't give everyone a fair chance to have their say, and then they can move on. I think I'm right on that, Madam Chair. If I came into the room as a witness, and I already knew that all the amendments were made, it would be pretty disrespectful to me to go ahead, because although you say that what I say at the hearing can alter the amendments, I'm not too convinced as a witness that it would alter them. You've already made up your mind. That's the point that I think all of us should think about—respect. We should be respectful of all of our witnesses coming forward.

I would like to also, Madam Chair, move to adjourn.

The Chair: The clerk did not get an opportunity to tell us how long we have this meeting for, but we do have a hard time coming up very soon for question period, so I will entertain the motion to adjourn.

The motion has been made. There is no debate, so we will adjourn until 3:30 this afternoon. Thank you.

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