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Chair: The Honourable Hedy Fry



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• (0815)

[English]

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

Welcome to meeting 91 of the Standing Committee on Canadian Heritage. I want to acknowledge that this meeting is taking place on the unceded traditional territory of the Algonquin Anishinabe people.

While public health authorities and the Board of Internal Economy no longer require mask wearing indoors on the precinct, masks and respirators are still excellent tools to prevent the spread of COVID-19 and other respiratory diseases and their use is strongly encouraged.

Although this room is equipped with a powerful audio system, feedback can occur and this can be extremely harmful to the interpreters. The most common cause of sound feedback is an earpiece worn too close to a microphone and we therefore ask all participants to exercise a great degree of caution when handling their earpieces, especially when your microphone or your neighbour's microphone is turned on, in order to prevent incidents that can cause a very loud sounds in the ears of the interpreters.

Now we're going to resume debate on the motion of Martin Champoux.

Go ahead, Rachael.

Mrs. Rachael Thomas (Lethbridge, CPC): Madam Chair, I actually would like to move a motion and I believe according to the Standing Orders business can be used as we wish and there is actually no standing order that requires us to return to the debate of old, so at this time I would actually like to move a motion to be discussed.

The Chair: At the moment we have a motion on the floor that's being discussed. That's Martin's motion, and I have a speaking list from last week that still has to go forward, so if you want to put your motion forward, then we will move back to Martin's. We'll just take yours for advisement, and then move on to Martin's.

Go ahead.

Mrs. Rachael Thomas: Thank you. I appreciate that.

The motion that I wish to move and discuss... I certainly recognize that we want to discuss Mr. Champoux's motion, and I'm not looking to block that in any way. I very much support his motion. I believe it's a common-sense one, and it's one that needs all our support, so my hope is that it can be passed very quickly today.

With that said, the motion that I would like to move today is:

That the committee immediately undertake 4 hearings on the government's decision to force social media services and podcasts to register with the government's Canadian Radio-television and Telecommunications Commission (CRTC), and that the committee hears from: the Minister of Canadian Heritage for 2 hours, the Chairperson and Chief Executive Officer of the CRTC, the Deputy Minister of Canadian Heritage and impacted stakeholders, including podcast hosts and other witnesses deemed relevant by the committee, and that the committee report to the House.

Madam Chair, the reason why this is so important is that, on Friday, there was this sneaky announcement made by the CRTC, the regulatory arm of the government, that podcasts would now be captured by Bill C-11. They would be required to register with the government, and then being registered with the government, they would, of course, have their content censored. It would be assessed based on a list of criteria determined by the government. If it meets that criteria, it will be allowed to stand. If it doesn't, of course, we expect the government to probably take it down.

This is a form of censorship. What's interesting to me is that in May, the CRTC said that it was not going to go after podcasts. It said that was a myth. Here we are only five months later, and we find out that actually, yes, the CRTC has every intention to regulate podcasts. That's a huge problem. It's a problem for Canadians who enjoy listening to podcasts and those who want choice in that realm.

The motion I'm moving today would be that we listen to those individuals, who are either creators who have podcasts or those Canadians who are consumers who enjoy listening to those podcasts, and that we take the time to hear those important voices.

The reason why this is so important is that, at the end of the day, Canadians deserve freedom to access the information that they wish to access and to be able to put out the information that they desire to put out. The Internet is the new public square. It's where the exchange of ideas takes place, so we want to make sure that sphere remains open and free, and encouraging of dialogue and even robust debate.

In order to make sure that is in fact the case, I think we need to hear from a wide swath of witnesses. I would ask that this committee undertake a study that is four meetings long and that we hear from those witnesses across Canada.

I recognize that one of the arguments I suppose one of my colleagues from across the way will likely bring up is that, no, they're not regulating individual podcasters; they're regulating the platforms. That might be true, although the wording the CRTC is using is quite convoluted. However, if you regulate the platforms, it's a distinction without a difference, because it's users and podcasters who ultimately put their material on those platforms, so if the platform is regulated, the platform is going to be forced to regulate the podcaster because they're going to have to abide by those regulations.

Again, I would say that the CRTC went back on its word. Therefore, the government went back on its word and is actually going after podcasters—those individuals who are bringing forward creative content for the sake of Canadians to be entertained, informed or other.

I think if the CRTC is going to go in this direction, the least we can do as a committee is to take the time to hear from individuals on how this is going to impact them.

• (0820)

The Chair: Thank you, Rachael.

Just to be clear to everyone, we have a motion on the floor that's being debated from the last meeting. There's still a list of people to speak to that. When we finish with that motion and then we will go to Rachael's. I have a list of two people already who wish to speak to that.

Mrs. Rachael Thomas: Thank you, Chair.

If you confer with the clerk, I believe she will confirm that we can only discuss one motion at a time.

The Chair: We already have one on the table. I allowed you leeway to put yours forward as notice coming in today.

Mrs. Rachael Thomas: Chair, my motion was actually already tabled. What I just did was move it.

The Chair: I know you did, but we already have a motion on the floor that's not finished.

Mrs. Rachael Thomas: I would ask for you to confer with the clerk as to what the Standing Orders are.

The Chair: I did, and we have a motion on the floor.

Mrs. Rachael Thomas: I'm sorry, but what you're doing is against the Standing Orders.

The Chair: Okay. I think that, for me, this is how meetings work.

Mr. Peter Julian: I have a point of order.

The Chair: If we have a motion the floor that's not finished, we cannot move it off the floor.

Go ahead, Peter.

Mr. Peter Julian (New Westminster—Burnaby, NDP): Just on a point of order, Madam Chair, I think your interpretation is absolutely correct. We had already started debate on the previous motion.

Mrs. Thomas is very experienced. She actually knows that what she's doing counters the rules that govern committees, but of course

if she disagrees with your decision, she can challenge the chair and let the committee decide. I will certainly be voting to sustain the chair's ruling.

The Chair: I have Mrs. Thomas.

Mrs. Rachael Thomas: Madam Chair, I would ask to hear from the clerk directly. My understanding of the Standing Orders—and I refreshed my memory of them last night—is that only one motion can be discussed at a time.

The Chair: It's already being discussed.

• (0825)

Mrs. Rachael Thomas: No, Madam Chair, it's not, because the motion has to be moved at the business meeting and it has not. It was moved at the last business meeting.

In this one, you gave me the floor first, and I have moved a new motion to be discussed today. Once that motion is fully discussed, we can return to that other member, should he wish to bring it back for discussion.

The Chair: If you're challenging me, let's go ahead and call that vote.

Mrs. Rachael Thomas: I'm asking to hear directly from the clerk in terms of the Standing Orders.

The Chair: The clerk and I conferred on this. It is up to me to make this decision and I'm making it. We have a motion on the floor and we're going to continue debate on that motion. I allowed you the courtesy of speaking to your motion so that we can deal with it later on.

Mrs. Rachael Thomas: I would be very careful with the precedents you set. Whatever you set today will be going forward.

The Chair: You're challenging the chair. Let's call a vote.

(Ruling of the chair sustained)

The Chair: We will continue with Mr. Champoux's motion.

My list of people starts with Peter Julian.

For those of you who do not recall, you have the motion in front of you.

Your name is down there, Marilyn, yes.

Go ahead, Peter.

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

I will note with some irony that yesterday at another filibuster the Conservatives were provoking, this time at the public safety committee, they took exactly the opposite interpretation from what Conservatives are saying this morning.

They were arguing yesterday, as you correctly interpreted, Madam Chair, that the motion from the previous meeting continued on in that meeting. We have Conservatives now saying different things at different committees, all trying to push their causes. It's unfortunate. I have a lot of respect for Mrs. Thomas, but she knows full well that what she was doing in challenging the chair was not appropriate, given the Standing Orders. The Conservatives yesterday were actually correct that the motion continued on.

I want to speak to Mr. Champoux's motion. I know it comes from a place of genuine sincerity, but I do have concerns when we take away the palpating, current issue of hate speech and how that has impacted Canadians across the country, and simply refer to “freedom of expression”.

We have seen far-right groups.... They took over downtown Ottawa just about a year and a half ago. We saw the impact they had in provoking misery in the lives of Ottawa citizens. They were cutting off seniors from getting medication that was absolutely vital. People with disabilities didn't get grocery deliveries anymore. It was profoundly disturbing to them. Families couldn't sleep for weeks on end. Thousands of businesses had to close.

Those extremists.... As we recall with horror, the Nazi flag and the Confederate flag were flown on Parliament Hill. In fact, the Nazi flag was flown just a few metres from the Hall of Honour, where my uncle, my grandfather and so many other Canadians who fought Nazism and fascism were figured.

We talk about freedom of expression, which we have in this country. The Toronto Sun can publish whatever scurrilous allegations it wants about any political figure. They don't have to be covered with any sort of journalistic integrity. They are heavily financed, of course, by taxpayers, but they are free to publish whatever they want. We see this on a constant basis. We see freedom of expression playing out.

The problem is hate speech. We have seen the reality of the increase in hate speech in Canadians' lives. We have seen the impact of the appalling homophobia and transphobia that exists in some Conservative provincial governments. Thankfully, this week, Manitobans rejected the racism and the homophobia of that Conservative provincial government and threw them out of office, but we're seeing this disturbing underpinning of hate speech right across the country.

I understand Mr. Champoux's intent. His intent is to have a discussion around the freedom of speech that we all enjoy as Canadians. I think we need to examine to what extent hate speech is having an impact on freedom of expression. To what extent is the deliberate fomenting of hate towards certain Canadians—racialized Canadians, indigenous Canadians, members of the LGBTQ2S community—diminishing the quality of life of those individuals? The prevalence of hate speech has real-world impacts as we learned from the Centre culturel islamique de Québec, as we learned in London, Ontario, and as we have learned in acts of hateful violence across the country.

I'm not prepared to support the motion at this time. I'm sure there will be a dialogue and other members of this committee will speak. I think it's absolutely legitimate to have that discussion around the freedom of expression that we all enjoy as Canadians, which is to the extent that any other country in the world would envy our freedom of speech.

● (0830)

The problem isn't there. The problem is the increase in hate speech, which is often fomented from abroad. We see American billionaires pressing hate speech every day. We see dictatorships like the Putin regime, dictatorships that are imposing their will by

deliberately creating social media accounts to provoke and amplify hate and disinformation across Canada and that are often pretending to be Canadians with Canadian accounts. This is a matter of real and pressing concern.

To what extent Mr. Champoux is prepared to entertain a discussion and entertain amendments so that we can, as the Canadian heritage committee, rightfully tackle the massive increase in hate speech and real-world violence that comes from that hate and disinformation, ensure that we continue to have the remarkable degree of freedom of speech that we have and ensure that Canadians are not bullied, are not subject to hate, are not subject to hateful violence and are not subject to the appalling extremism of the far right.... That's something that I think needs to be incorporated in some way into the motion.

If the vote comes up today, I will be voting against, but I think we do have time off-line in the coming week and a half to hopefully temper and incorporate those elements of the impact of hate speech on so many Canadians and, in that way, get a stronger motion and hopefully a stronger study.

Thank you.

The Chair: Thank you.

Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Thank you, Madam Chair.

This is the first time I'm speaking at this committee. I'm happy to be here. It's already proving to be a very interesting place.

It's good to see my friend Peter again. We had some good times at the public safety committee. This clearly is very much in the same vein.

Look, as Mr. Julian said, the motion by Mr. Champoux is something that we all think carefully about in terms of freedom of speech and how we ensure that we maintain that privilege in this country. To speak very personally, as a Muslim it's been a tough few weeks for a couple of reasons. One is that I represent a riding with a large Jewish community and a large Muslim community. The rise of anti-Semitic tropes, comments and commentary and anti-Muslim commentary, online and in person, has been really ramping up. At the same time, I saw members of my community participate in what I considered to be some pretty awful expressions of freedom of speech over the course of the last couple of weeks.

When we think about the context of freedom of speech and how hate speech factors into this, as Mr. Julian has rightly raised, I really do ask the question and wonder if we could think about this differently over the course of the next bit of time and have a real conversation about what freedom of speech really means in this country. What does this idea of hate speech mean? How do we situate ourselves in a place where people have the right to speak freely but also understand that there are implications to those comments when those comments are untrue or hateful or designed to cause harm to others?

I ordinarily would say, yes, absolutely, let's have a conversation about how we preserve this, but what it looks like today and what we are preserving I think is certainly worthy of a conversation. How do we ensure that there are guardrails around the consequences of what we say?

I would have a hard time supporting the motion as it stands today, but I do think that, over the course of the next however much time, perhaps we can find a way to move this into a conversation that allows us to remember and to confirm Canadians' rights to freedom of speech but also their right to live in safety and freedom without having to worry about the consequences of the freedom of speech of others to their own personal safety.

I will leave it there and offer that, while I don't know that I would support the motion in its current form, if we are open to having a discussion about what it might look like and how we might shape this into something different that achieves, hopefully, similar goals to what Mr. Champoux would like, then that's something that I would certainly consider supporting.

● (0835)

The Chair: Thank you.

Go ahead, Mr. Coteau.

Mr. Michael Coteau (Don Valley East, Lib.): Thank you very much.

I agree with my colleague that this is an issue that needs to be examined, but I think there are some specifics that we need to look into. For instance, what is the difference between freedom of speech and freedom of expression? I agree with Mr. Julian that you can't speak to one side of the issue without looking at hate in this country. Often we've seen examples of where people can say some pretty hateful things and at the same time use the defence of freedom of expression or freedom of speech to protect what they said.

Again, the intent, I think, is very good, but I would like to look for a way to perhaps rethink the motion so that it reflects some of the things we've heard from previous speakers.

Thank you, Madam Chair.

The Chair: Thank you.

Ms. Hepfner.

Ms. Lisa Hepfner (Hamilton Mountain, Lib.): I like the intent behind this motion as well.

I know that last time Mr. Champoux explained to us a little bit more about why he brought this motion and the intent. I feel it's a little too broad the way it is. My colleagues have suggested it might lead us down a path that isn't necessarily helpful for Canadians.

If we can amend this and get to a place where we're all comfortable, I think you would have support for this motion.

Thank you.

The Chair: Thank you, Lisa.

Marilyn Gladu.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you, Madam Chair.

I would like to speak in favour of Mr. Champoux's motion, because the Charter of Rights and Freedoms gives us freedom of thought, expression, opinion and belief. I see in the country an erosion of that right.

Taleeb was talking about what he's seeing in his riding, and certainly there have been comments made that were offensive to Jewish people and to Muslim people. There have also been comments made that are offensive to Christian people, and there have been comments made that are offensive to the LGBTQ and trans communities. There have been offensive comments.

I think we need to be careful and understand the difference between hate speech, which is defined in the Criminal Code as something that would be reasonably expected to incite violence, and offensive speech—somebody who has an opinion that you don't agree with. I certainly find the extreme left opinions very offensive, but it is their right to express them and we've certainly seen violence on that side as well.

I know Mr. Julian loves to talk about the extreme right, but I would say the extreme right and the extreme left are demonstrating similar behaviours. As Canadians, we want people to express their opinions and views in a respectful way without violence.

I think there's value in this study, because I think something needs to be done to the legislation to take the threshold of hate speech from today, where nobody can really bring a suit on it, to an understanding of what commonly we agree shouldn't be said because it's harmful to communities or whatever. It's a lesser crime, if you will, but we still want to send the message that it shouldn't happen.

I think within this study there is the ability to do that. With the censorship that we've seen increasingly with bills like C-11, and even C-18, people are concerned about the censoring of their freedom of expression, thought, opinion and belief.

I support this motion.

The Chair: Thank you, Marilyn.

Go ahead, Peter Julian.

● (0840)

[*Translation*]

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

First of all, I find that Mr. Champoux always plays an important role on the committee.

He raises an important issue, but, in my opinion, he misses an extremely important aspect, which is the violence of the extreme right and its repercussions in Quebec and throughout Canada. We need only think of the Islamic Cultural Centre in Quebec City, the hate speech against the LGBTQ community, whether in Montreal or Western Canada, or the attack in London, Ontario. I think it's extremely important to talk about hate speech as a whole. The freedom of expression we have in Canada is unparalleled in the world. Freedom of expression is not constrained, except by Web giants like Meta, which has censored opinions at the request of regimes like Putin's in Russia and Modi's in India.

So, censorship exists, but not against hate speech. Meta always says it doesn't have the means to prevent Islamophobic or anti-Semitic speech and hate speech towards the LGBTQ community, but when a dictatorship demands that certain things be censored, as we saw in the case of the murder of Mr. Nijjar, in Surrey, a few miles from where I live, they are censored.

However, the Conservatives don't say a word. They don't say it's unacceptable. When Meta limits free speech, Conservatives don't say a word.

So it's important to discuss all of these issues. I don't think we'll be able to resolve this today, but fortunately, we'll soon be in our ridings for a week and a half, since it will be Thanksgiving, so we'll be able to discuss it and come back here to adopt a motion that will satisfy the majority of committee members.

For now, Madam Chair, I think it's important to have these discussions. Even if we don't have time to reach an agreement today, we can come back to it later.

[English]

I have a lot of respect for Ms. Gladu. I want to follow up by saying that violence is unacceptable to any degree. I completely agree with her. The difference is that the extreme right, as we have seen repeatedly in North America, is the cause of over 90% of the violence and acts of hate taking place.

This is something that I think my Conservative colleagues need to understand and speak out against. The rise of the extreme right, the attacks against various communities that are promoted by right-wing dictators and extremist American billionaires, this is something that is a real and present danger to our democracy, freedom of speech and a wide variety of communities and Canadians across this country. When all the violence comes from the extreme right, at 90% levels, we have a duty to denounce it.

Madam Speaker, I would hope my Conservative colleagues are denouncing that violence from the extreme right. It's well documented. There are myriad research tools they can use to document the rise of the far right and the violence that takes place. I would hope they are reflective of that and denounce violence in all of its forms, as I certainly do as well. Wherever that violence comes from, we denounce it.

The real and present danger to our democracy is far-right extremism.

Thanks, Madam Chair.

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

I have Mr. Shields, Mrs. Thomas and Mr. Noormohamed. Then I think I'm going to allow Martin Champoux to respond to some of the questions and concerns in regard to his motion. I'm a little befuddled by the term "expression". "Expression" could mean the way you dress and present yourself. It's not only with regard to speech.

You can clarify that, Martin, in a minute.

I'm going to go with Mr. Shields, Mrs. Thomas and Mr. Noormohamed.

• (0845)

Mr. Martin Shields (Bow River, CPC): Thank you, Madam Chair. It's interesting that you say "expression".

Being an old guy, I remember how in grade 12 I would have been kicked out of school if I didn't shave and if my hair touched my collar. When you talk about freedom of expression, I would have been denied an education if I didn't shave or cut my hair. Not too long before that, girls weren't allowed to wear pants in school as an expression.

You're very right, Madam Chair, that expression can come in very different ways. Sometimes we forget history in the sense of what rules we can effect for expression.

It's World Teachers' Day. I am a former high school teacher and university instructor, and one of the challenges I always presented to students was expressing opinions, and a wide range of opinions, to get students at secondary and public school and university to feel free enough to express whatever opinions they would like in a setting in which they should be free to do that.

I was in university in the States in the riot and revolution times in the late 1960s when universities got burned down and cities got burned down. I was in those places. I was in Detroit when it burned. I was at San Francisco State University when it burned.

If you haven't lived where violence becomes extreme, then be careful what you're saying about what you know. Freedom of expression is critical. It needs to be respected, but when people feel they are living in a society where they can't express their opinions, then we have moved in the wrong direction. We all understand legally why you can't yell "fire" in a theatre. We know that in a public space. Anyone who has been through legal training knows what freedom of speech is allowed and not allowed, whether you're sued for libel or whether you're disrupting the peace.

Freedom of expression is critical in a democracy. My youngest grandchild is taking political science in university. We've corresponded a lot in the last month about questions she has asked. She asked about democracy in her last assignment.

I said that we, as a representative democracy, try to represent our people in our constituencies. Our constituencies are varied. The city I live in is a small one, but per population it is the most ethnically diverse one in Canada. That's for economic reasons: The largest meat-packing plant in Canada is right beside my community. We have over 100 different nations represented in our community. It's a very lively, very culturally diverse community, and that is really a good thing.

There is freedom of speech on our city council, on our school board. We have different races on our school board and on our councils representing our community. Freedom of speech is critical to that happening.

When I see things like Bill C-11 and when I see things like the announcement this week, those things bother me because that's the kind of thing I encouraged in a university classroom, the kind of thing I encouraged in high school classrooms, to get young people to think, to express their opinions and to be varied in their opinions.

Sure—do research. Attempt to do all the research you can and find it, but there were over 100 Christian churches burned in the last couple of years in Canada. There were well over that. It's been well documented. I'm not saying it's something concerning my religion or background, but you have to make sure you're talking about both sides of the issues.

This is a place where we need to express our opinions in this setting. If we're a representative democracy we can express a variety of opinions, as my friend Mr. Julian does, I do and several others on the committee have done for years. We need to do that in these committees. This is what freedom of speech is about. We're a representative democracy. We need to protect freedom of speech and protect it at all ends.

• (0850)

I've seen situations in which it has not been protected. Those are pretty brutal and they destroy our society. We need to protect freedom of speech.

Thank you, Madam Chair.

The Chair: Thank you, Mr. Shields.

I'm going to go to Mr. Noormohamed and then to Martin Champoux.

Mr. Taleeb Noormohamed: Thank you, Madam Chair. I have just a couple of quick things.

We've heard a lot today about the risk of the loss of freedom of speech. Mr. Shields has made some very powerful comments around this, yet look at our own recent history in the last few years in this country.

The Black Lives Matter protests were allowed to occur across this country. The occupation of Ottawa and the remarkable and profound disturbance, noise and impact on the quality of life of citizens in this country was left unchecked for weeks. Folks who

protest climate change are allowed to do so in freedom without the police attacking them. There are marches against the LGBTQ community, which I personally find remarkably abhorrent, but they are allowed to occur across this country with freedom.

I have been part of sit-ins. I walked and marched in one of the first Black Lives Matter protests in New York City when I was working there. I've seen the privilege of freedom of speech, but I have also seen the consequences of freedom of expression on people's lives.

The social contract that I would argue we have in this country is that we have to ask ourselves what the consequences are to others of the things we are saying and doing. We may not go up to somebody and punch them in the face, but the words we use can have a profound impact, particularly on young people and vulnerable people. We have an obligation to ask ourselves, as all of us come from different faith traditions, whether our faith traditions allow us to behave in these ways. These are personal questions. Whether you're Muslim, Jewish or Christian, "love thy neighbour" is an important concept. The idea that we think about the well-being of others—these are important concepts.

No one should have to worry about their church, mosque, gurdwara or synagogue being burnt down or attacked. It is unacceptable. I agree with you that it is absolutely unacceptable for any place or worship or any place of gathering to be attacked or burnt down. However, the idea that we should put ourselves in a place where that is left unchecked is something that does cause me a tremendous amount of concern.

With respect to C-11, I'm sure we will have lots of conversations about this. My goodness, though, as somebody who worked in tech for over a decade, I don't understand why we would have a problem with companies that are making \$10 million in this country telling us where their headquarters are. I don't see that as being censorship at all. I see that as being responsible corporate citizenry, but we'll leave that where it is.

We are in a place now where we have this motion that Monsieur Champoux has put together. What I'd really love to know from Monsieur Champoux is what he would be open to in terms of changes to this. What would be some of the things he might be willing to look at or be open to in terms of change and in terms of areas where he might put some sort of parameters around this?

In particular, with the expression "the means the Government should have at its disposal to ensure its exercise", how does he see that playing out? There's a government of one stripe, and there may be a government of a different stripe in a decade. Different interpretations of that might mean different things to different people. I was wondering if he might share with us how he sees that shaping up.

Perhaps that's a good segue into his time at the microphone.

Thank you.

The Chair: Mr. Julian put his hand up.

Peter, are you going to speak again? I know Martin has been very patient. He wants to answer the questions. Can you please give a short intervention?

Thank you, Peter.

Mr. Peter Julian: Absolutely.

I want to cite...because I believe.... I have enormous respect for Ms. Gladu. She seemed to pooh-pooh the 90% figure I mentioned earlier.

The Anti-Defamation League published its report earlier this year, in February. Here is the headline:

Right-wing extremists committed every ideologically driven mass killing identified in the U.S. in 2022, with an “unusually high” proportion perpetrated by white supremacists, according to a new report published [by the Anti-Defamation League last] Thursday.

This is dated February 23, 2023—this year:

The number of mass killings linked to extremism in the U.S. in the past decade was at least three times higher than any decade since the 1970s, per the report.

I flagged 90%. However, in terms of ideologically driven mass killings, the Anti-Defamation League identifies 100% of the killings taking place in 2022 in the United States—including attacks against the Jewish community, the Muslim community and the LGBTQ community—as being committed by far-right terrorists.

This is not a childish game. This is not something that should give pause or...is a matter of freedom of expression. This is a real and present danger to the lives of so many minority communities and to our democracy. I would hope that all colleagues around this table understand the enormity when the Anti-Defamation League tells us every single ideologically driven mass killing in 2022 was committed by far-right extremists, and that we take it seriously and understand the degree to which hate speech and hate-driven agendas are having an influence on the safety of so many of our citizens.

• (0855)

The Chair: Thank you.

Martin, thank you for your patience.

[*Translation*]

Mr. Martin Champoux (Drummond, BQ): My pleasure, Madam Chair.

[*English*]

The Chair: Before you begin, Mr. Champoux, I would appreciate your defining “expression” in your motion. You didn’t say “speech”; you said “expression”.

[*Translation*]

Mr. Martin Champoux: Yes, indeed.

I’ll try to be brief, but it won’t be easy. I know we have other motions to debate this morning, and I can see that this one is generating a lot of discussion. The fact that we already have extremely var-

ied, even diametrically opposed opinions, demonstrates the need to have a discussion on it.

Now, let me explain why it would make me uncomfortable to target, for example, hate speech in this study: a bill dealing precisely with hate speech will soon be tabled. Now, before we start discussing online hate speech and the markers and parameters to be established around this notion, we must at least start by agreeing on the markers or means that the government can have to protect the concept of freedom of expression, which is fundamental to our democracy.

I didn’t say freedom of speech, I said freedom of expression, because, as Mr. Shields was saying earlier, freedom of expression is a broad spectrum that includes, among other things, freedom of speech and freedom of opinion, but also the freedom to dress as you like, for example.

So I want us to have this discussion before we tackle the extremely tricky subject of hate speech. Indeed, if the discussion we’re having today on a little motion that simply proposes to discuss it together is anything to go by, we won’t be out of the woods when we tackle a subject as thorny as hate speech. It’s true that there is a resurgence of violence among various groups. I’m not going to point the finger at the far right or the far left. For me, all extremes are harmful. I think there are extremes on both sides. We can discuss this, if you like.

That’s why it would make me uncomfortable to focus too much on one particular aspect of freedom of expression during this study; we’re going to have to debate it at length when the bill is finally tabled. We’ve been told it’s been ready for two years, so we can’t wait to see it. We’ve spent an hour discussing our perceptions of this or that aspect of freedom of expression. I’m proposing something. In fact, I was hoping we could have this discussion without flaunting our political colours too much, and maintain a certain openness and neutrality.

There are many concepts within freedom of expression, and there are a host of things that are even somewhat abstract. For example, the right to be offended doesn’t exist, but being offended is measured at different levels, depending on the individual. To answer Mr. Noormohamed’s question, this is what I was thinking of when I talked about the means that the government should have at its disposal to ensure the exercise of freedom of expression. When can you say that someone has gone too far? Does it depend on the thickness of my own skin, my resistance, or the hypersensitivity of certain groups? We need to do something to make people understand that, yes, sometimes we will be offended by what someone says. Can we make it clear that at a certain point, it becomes incitement to violence and the line of what’s acceptable has been crossed?

In short, it’s complex, but we can’t hope to study the online hate bill without having managed to agree ourselves on some markers and recommendations that we could eventually give to the government to ensure the exercise of freedom of expression in our society.

I agree that we should focus on the somewhat sad episodes we've been seeing in our society over the last few years. I was not in favour of the truckers' demonstration, the "freedom convoy". I was inconvenienced by it like many others, but I never thought these people had no right to be there.

That said, how far did they have the right to be there? To what extent was their freedom to express themselves and their discontent acceptable? These are things we didn't discuss together, precisely because the political positions were extremely tense.

● (0900)

We aren't open to a discussion on this. We've locked in on the left, we've locked in on the right, creating two distinct camps with an unbridgeable divide. But that's not the way to exercise freedom of expression on this issue.

In short, I propose, Madam Chair, that the motion be withdrawn for the time being. I am more than willing to entertain amendments to the motion, but I will not support a motion that specifies a particular aspect of freedom of expression, such as hate speech. I want to keep this discussion fairly broad and open.

I also don't want us to follow suit on Bill C-11 by the CRTC, which gives Conservatives the urge to discuss government censorship. This is not at all the discussion we should be having.

I propose that we talk about this again next week, when we return from the parliamentary break. If any of my colleagues have amendments to propose, I'll be happy to consider them. For the moment, I don't think the present discussion allows me to support an amendment proposed to the current motion.

Madam Chair, I propose that discussion of this motion be stayed and that we return to it at a later date with any amendments.

[English]

The Chair: Is there any objection to suspending discussion on this? The mover suggested it, and I think we want to move on to other things. We have to finish this part of the business meeting at 9:15 and then move on to Bill S-202, which is on our agenda as it's written.

I would just entertain anyone who has an objection, or is everyone in agreement with the mover of the motion that we suspend it to another time?

Mrs. Thomas, are you speaking specifically to Mr. Champoux's motion to suspend it to another time?

Mrs. Rachael Thomas: I just want to make sure that we're clear. My understanding is that... I'm sorry. It might be the interpretation, but is he withdrawing it or is he suspending it?

The Chair: He is asking to suspend it.

Mrs. Rachael Thomas: Okay. Thank you.

The Chair: All right.

The discussion on this motion is suspended.

We have some time left, and we can now deal with Mrs. Thomas's motion, which on the table. For those of you who have forgotten what it is, I'll quickly read it:

That the committee immediately undertake 4 hearings on the government's decision to force social media services and podcasts to register with the government's Canadian Radio-television and Telecommunications Commission (CRTC), and that the committee hears from: the Minister of Canadian Heritage for 2 hours, the Chairperson and Chief Executive Officer of the CRTC, the Deputy Minister of Canadian Heritage and impacted stakeholders, including podcast hosts and other witnesses deemed relevant by the committee, and that the committee report to the House.

Mrs. Thomas spoke to her motion earlier on, so we're ready to discuss it.

Ms. Gladu.

● (0905)

Ms. Marilyn Gladu: Thank you, Chair.

Yes, I support the motion obviously, but we've been trying to get the head of the CRTC here since, I think, February 2022. She's been in the job a long time. A lot of changes are taking place there, and I think the committee really needs to understand what those are.

Certainly the Minister of Canadian Heritage... We haven't seen mandate letters go out to her yet, so I'm interested to know what she is intending to do. Is it a holding pattern, or what is she tasked with? I think these are good things that the committee needs to know about.

The Chair: Thank you.

Peter Julian.

Mr. Peter Julian: Thanks very much, Madam Chair.

I think, ironically, to about a year and a half ago when the CRTC chair was invited by this committee, came to committee and then was unable to be questioned because of the filibuster the Conservatives started, which lasted through the entire meeting. The CRTC came. I was anxious to ask questions—we all have questions for the CRTC—and the Conservatives blocked it. It's ironic, to say the least, that after blocking the CRTC, filibustering out the CRTC so that members of this committee could not ask questions, now the Conservatives are saying, "Let's bring in the CRTC."

I certainly agree with that. I don't agree with, as always, the steroid-laden motions the Conservatives bring forward, but the idea that we hear from the minister, I think we've already made the invitation. You may have an update on that, Madam Chair, and I think that would be helpful.

The Chair: I'm asking the clerk if we heard back from the ministers. We have not heard back.

Mr. Peter Julian: You have not. That is concerning to me, then. I believe the minister has to come before committee immediately. I certainly agree with the CRTC coming before this committee. I would undertake, and I hope all parties would agree, that we are not going to filibuster so the CRTC can testify and can answer questions. If we have an agreement among all four parties not to do that, then we can actually have a very productive time with the CRTC, unlike the last time they were invited when they were blocked from testifying and blocked from answering questions.

The motion itself.... It's a tort. I understand the political reasons for that. If what the Conservatives are actually looking for is that the CRTC come and that the Minister of Canadian Heritage come, I certainly agree with that, but I think we already had that in the framework of the invitation being extended.

I think, Madam Chair, you really have to press the minister. The minister has to come as soon as possible. I think that's something we would all agree to.

The Chair: Mr. Julian, as you well know, the minister will come when the minister has the opening to be able to come, because ministers have a ton of other appointments and things to do. The letter was sent. I think you will probably hear from the ministers soon because they're trying to organize their schedules, so I'm hoping we will get an answer from the ministers very soon. We asked two ministers to come: the sport minister as well as this one. Specific to the heritage minister, I'm hoping we can get a response from the heritage minister.

Ms. Hepfner.

Ms. Lisa Hepfner: Thank you, Chair.

I won't take the committee's time. I agree we should hear from the CRTC and from the minister, but I think the rest of this motion is just an attempt to relitigate Bill C-11, which has already been passed by this committee.

I'll leave it at that.

The Chair: Thank you.

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: We already discussed this last week, Madam Chair.

I think we had agreed not to make the ministers' visit an emergency, given that there were no new mandate letters or particularly urgent matters. So it would be perfectly convenient to receive them when they are available. The invitation has already been extended.

I think this motion just seeks to add something that already exists.

• (0910)

[*English*]

The Chair: That's always been the tradition: The ministers will come when they're available. I don't think we've changed anything with regard to that.

Go ahead, Mr. Viersen.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Thank you, Madam Chair.

I would like to support my colleague's motion as well.

I would note that, if you go back to Hansard and my debates around Bill C-11, I repeatedly asked the government why it was trying to make podcasts live in the same world as, say, a radio station. I was assured at that time it was indeed not the case, and the government was definitely not doing that, yet we have reports in the media this week that now the government is expecting podcasts to register...or the CRTC is expecting that podcasts would register with it.

I think it would be imperative for this committee to study it or to ask the questions, anyway, of the department, of the CRTC and of the minister: What's suddenly changed, and why are we all of a sudden asking podcasts to register when we were assured that, when Bill C-11 passed, this would never happen and that this was not the government trying to impose radio station and CanCon requirements on podcasts? That was definitely something we were assured of at the time.

Believe me, Madam Chair, I did not believe the government when it said that. You always say that you hate to say "I told you so", and now we're here saying, "I told you so". I think it's important that this committee study this. I think it should be sooner rather than later. I would hope we can pass this motion this morning, for sure, and get the minister here tomorrow and the CRTC next week forthwith.

An hon. member: Maybe not tomorrow....

Mr. Arnold Viersen: Maybe not tomorrow, but it's rhetorical meaning is to say "as soon as possible".

I do believe, Madam Chair, we could, as a committee, send stronger messages to the ministers requiring them to show up. The role of committees is to hold the government to account. The role of committees is to ensure the government is doing the things the government says it's going to do. This really seems very much like an area where the government assured us, just a year ago, that what is taking place in the podcast world was definitely something that would not happen. I hope we can pass this right away and get the minister here.

Thanks.

The Chair: Having listened to all those who had hands up, I think we should call the question on this motion.

Mrs. Thomas.

Mrs. Rachael Thomas: I would ask, for clarification, that the motion be read into the record and that it be a recorded vote.

The Chair: I actually read it earlier on, but I will read it again. The motion is:

That the committee immediately undertake 4 hearings on the government's decision to force social media services and podcasts to register with the government's Canadian Radio-television and Telecommunications Commission (CRTC), and that the committee hears from: the Minister of Canadian Heritage for 2 hours, the Chairperson and Chief Executive Officer of the CRTC, the Deputy Minister of Canadian Heritage and impacted stakeholders, including podcast hosts and other witnesses deemed relevant by the committee....

(Motion negated: nays 7; yeas 4)

The Chair: I'm hoping somebody could ask to suspend, so we can move into the next session of our work agenda, which is Bill S-202.

Marilyn.

• (0915)

Ms. Marilyn Gladu: I move to suspend.

The Chair: This meeting is suspended.

• (0915)

(Pause)

• (0920)

The Chair: I just wanted to remind everyone about what happens when we do clause-by-clause. I'm going to provide you with a few comments on how the committee should proceed.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively and each clause is subject to debate and a vote. If there are amendments to the clauses in question, I will recognize the members proposing them, who may explain them. The amendment will then be open for debate. When no further members wish to intervene, the amendment will be voted on.

Amendments will be considered in the order in which they appear in the bill or in the package that each member received from the clerk. Members should note that amendments must be submitted in writing to the clerk of the committee. I will go slowly to allow all members to follow the proceedings properly.

Amendments have been given an alphanumeric number—in the top right-hand corner of your notes in the amendments—to indicate which party submitted them. There is no need for a seconder to move an amendment. Once moved, we will need unanimous consent to withdraw it.

During debate on an amendment, members are permitted to move subamendments. These subamendments must be submitted in writing. They do not require the approval of the mover of the amendment. Only one subamendment may be considered at a time, and that subamendment cannot be amended. When a subamendment is moved to an amendment, it is voted on first. Another subamendment may then be moved, or the committee may consider the main amendment and vote on it.

Once every clause has been voted on, the committee will vote on the title of the bill and the bill itself. Finally, the committee will have to order the chair to report the bill to the House. That report contains only the text of any adopted amendments, as well as an indication of any deleted clauses.

We shall begin. I want to note that we have some witnesses who are here to answer any technical questions. From the Department of

Canadian Heritage, we have Richard Davis, director, arts policy and federal-provincial-territorial culture and heritage secretariat. That's a mouthful. From the Library of Parliament, we have Heather P. Lank, parliamentary librarian, office of the parliamentary librarian.

We have, of course, the legislative clerk sitting here, who will walk us through this if there are any problems. It seems to me to be pretty simple. It's a short bill, and we have two amendments.

I will begin by calling clause 1, and I would ask the Bloc Québécois member, Mr. Champoux, to move the amendment as indicated, BQ-1.

(On clause 1)

• (0925)

[*Translation*]

Mr. Martin Champoux: Thank you, Madam Chair.

Actually, we had discussed this a bit at the last meeting when we talked about Bill S-202.

I had expressed the wish that a more precise place be given to the two official languages and that...

[*English*]

The Chair: Is there any interpretation?

Some hon. members: Yes.

The Chair: I'm not hearing it. Is there something wrong with my audio system? Oh, it was pulled out a little bit.

Go ahead, Martin. I'm sorry for the interruption.

[*Translation*]

Mr. Martin Champoux: No problem at all, Madam Chair.

I had expressed the wish that there be a slightly more specific place for both official languages and, as we do for other positions, that we alternate between a francophone and an anglophone. That's what we do for the Parliamentary Poet Laureate. With this amendment, I'd like to see this concept added to Bill S-202.

New subsection 75.01(2) would therefore begin as follows:

The Speaker of the Senate and the Speaker of the House of Commons, acting together, shall select the Parliamentary Visual Artist Laureate from a list of three names reflective of Canada's diversity, consistent with the principle that the primary official language spoken by the holder shall alternate and submitted in confidence by a committee chaired [...]

The point is that I can see an argument coming that, in the case of the Parliamentary Poet Laureate, poetry being an art expressed in words, it is all the more relevant to have alternation to properly reflect the official languages. However, the vision of visual art in general will be influenced by the artist's background, whether in Quebec or in a French-speaking community outside Quebec. There will be a different way of presenting or valuing the arts of one's community.

Once again, I'm not reserving this position for a Quebecker, but I'd like it to be reserved for a francophone, alternating with an anglophone.

This is the purpose of my amendment. I'm willing to answer questions.

[English]

The Chair: Thank you.

Mr. Julian, do you wish to speak to this?

[Translation]

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

Before I speak, I'd like to ask our witnesses to tell us what the scope of this amendment would be.

[English]

Ms. Heather Lank (Parliamentary Librarian): Thank you very much, Mr. Julian.

Perhaps it would be helpful to do the comparison with the poet, where there's a practice of alternating between poets who write predominately in French or predominately in English, although we recently had a poet who also had Cree in her writing. It's by practice rather than by statute that there is alternating. Of course, that could change, depending on the context and the decisions that are made.

In terms of the impacts on the committee that are in the act, it would mean, of course, that the process to call for nominations would presumably be different in terms of outreach, which communities we would reach out to asking for nominations for this position. It would affect the marketing, if you wish, of the programming and how we would get the word out. Who would be eligible to apply would also be affected.

That would all have to be worked out in the details. Of course, if the statute says that it must alternate, then, as chair of the committee reviewing the nominations, that would be something that I would have to ensure is respected by the members of the committee in reviewing the applications and ultimately in making the recommendations to the Speaker with the short list.

[Translation]

This would certainly have repercussions on the process. We would obviously have to comply with the law.

Mr. Peter Julian: Normally, a person is referred to as a francophone or anglophone according to the first official language that the person understood and used. If a person's mother tongue is Cree or Inuktitut, and French is the first official language learned, that person is considered a francophone. The same applies to a person whose mother tongue is Punjabi or Hindi and whose first official language learned is English: that person is considered English-speaking, right?

• (0930)

[English]

Ms. Heather Lank: I have to admit to a certain level of discomfort, as a parliamentary librarian, in pronouncing how to decide if somebody is a francophone or anglophone and whether they would qualify. Perhaps that's a question for the official languages commissioner rather than for the parliamentary librarian. It's just a thought.

It seems to me that this would be something that, if the decision were made to have it in statute that it would be alternating, one

could build into the process perhaps a self-definition. In the application, you could include questions that would have to be determined. This would be part of the consultation in setting up the program with the official languages commissioner, for example, who sits on the committee. How do we do this? What would be the proper process to respect the terms of the statute, and how can we implement this?

I think it would be something that would certainly have an impact on the process. At this point, I would be hard pressed to say, "Yes, this person would be considered francophone; this person would be anglophone". I think that is outside my sphere of expertise.

Certainly it would be very helpful to have the official languages commissioner be part of the setting up of the program, should the committee and should Parliament go in this direction. We would need guidance. How would we do that? What does that mean?

[Translation]

How would it work, in this context?

It would definitely have an effect on the process.

Mr. Peter Julian: Thank you very much for these answers, Ms. Lank.

[English]

The Chair: Thank you, Mr. Julian.

Now we have Ms. Hepfner.

[Translation]

Mr. Peter Julian: I will conclude by saying that I will support this amendment.

[English]

The Chair: Thank you.

Go ahead, Ms. Hepfner.

[Translation]

Ms. Lisa Hepfner: I wanted to ask essentially the same question as Mr. Julian. Are we just talking about the two official languages, or are we including indigenous languages?

[English]

The Chair: Before Mr. Champoux answers that, we have Ms. Gladu.

Do you have a question for Mr. Champoux?

Ms. Marilyn Gladu: I have a question for the legislative clerk.

The French interpretation says, "*de trois noms*", but the English interpretation only says "names". It doesn't have "three names". It doesn't have the same context. Is it correct?

Mr. Martin Champoux: It's "a list of three names".

Ms. Marilyn Gladu: Maybe I have a wrong version.

Okay, I have it.

The Chair: Then I shall ask the question. Shall BQ-1 be carried?

(Amendment agreed to [See Minutes of Proceedings])

The Chair: We are on CPC-1, which is on page two of your package.

Ms. Gladu, would you like to move your amendment?

Ms. Marilyn Gladu: Thank you, Chair. Yes, I would.

Just by way of background, this is revisiting the discussion we had when the member who brought the bill forward was here. We spent the last parliamentary session trying to modernize a lot of the legislation to make sure we captured the digital changes that have happened.

We updated Bill C-11, Bill C-18 and Bill C-27 to all reflect the digital age. We want to make sure that “digital creations” are included. Then, when we had the language discussion, we agreed that English and French were important but, as has been pointed out, there are indigenous languages that people do creative activities in and there may also be ethnic-specific ones. In order to reflect that diversity and the digital creations, this amendment is to add the following:

filmmaking and digital creations that reflect the diversity of Canada, including with respect to the languages in use and its ethnocultural composition.

That's brought to you by the legislative people who know the legalese terms.

Thank you.

The Chair: Thank you, Ms. Gladu.

We have two speakers: Mr. Julian and Mr. Champoux.

Mr. Peter Julian: Thanks very much, Madam Chair.

I wanted to ask our witnesses what impact they see of this amendment offered by my colleague.

Ms. Marilyn Gladu: The essence of the amendment is that it's adding “digital creations” to the list of all the things that are included, because we don't know what will develop in that realm.

Also, we're extending it to include with respect to the diversity of languages in Canada, so it will be the official languages plus any indigenous languages and any ethnic languages—like Punjabi—and there are a number of different art forms that we see in film and various things.

● (0935)

Mr. Richard Davis (Director, Arts Policy & Federal-Provincial-Territorial Culture and Heritage Secretariat, Department of Canadian Heritage): Thank you, Madam Chair.

If I may, I'd like to address the first question about the digital, and I'd like to maybe draw a distinction between the discipline and the medium.

The way the statute currently reads, what we have is identified a series of disciplines that would fall under... I'm looking at “Definition of arts” in proposed subsection (6):

arts means drawing, painting, sculpture, printmaking, design, crafts, photography, videography and filmmaking.

Most of those disciplines also allow for the possibility of working in the digital space as a medium.

That having been said, if the will of the committee is to reinforce the importance of the digital in the current context, my view is that it wouldn't be problematic as far as the bill is concerned. It's just to state that certainly within the understanding of art practice that distinction is understood—like between the actual discipline itself and the digital as a medium.

The Chair: Ms. Gladu, you wanted to say something.

Ms. Marilyn Gladu: Sure. I have just a brief response.

I absolutely agree that the medium captures most of it, but we don't really know where the digital world is going. For things like animation and the deepfakes—not that I'm going to call that art yet—or those kinds of hologram things, it can go anywhere. I'm old, so I can see how far we've come. I just want to make sure that we put something in there that opens it up to that realm.

The Chair: Thank you.

Martin is next.

[*Translation*]

Mr. Martin Champoux: Thank you, Madam Chair.

Mr. Davis did answer one of my questions.

I find my colleague's amendment very interesting. Indeed, we often complain about the obsolescence of our regulations and laws. I find it interesting to add the notion of digital creation, because this term is very broad and opens onto something else. What's more, it's inserted into a context that won't be without limits; it's still a visual arts approach. So we can't expect any slippage by including digital creations in Parliament's official visual artist bill.

I also find what Ms. Hepfner touched on earlier very interesting, when we debated my amendment. She talked about indigenous languages. Of course, the two official languages in Canada are English and French, but I think it's also very important to allow indigenous languages to live and be revived. Unfortunately, some indigenous languages have practically disappeared. They're still spoken by a few elders here and there, but they're not passed on to the younger generations. I think it's very important that we take this into account.

In my opinion, adding Canada's commonly used languages and ethnocultural makeup through this amendment reinforces the previously adopted amendment on alternating between French and English.

So I'm going to support this amendment because I think it's very inclusive. It also allows us to evolve over time without becoming a bit sclerotic with a law that won't respond to the reality of the visual arts in five or ten years.

Bravo!

[*English*]

The Chair: Thank you.

Go ahead, Ms. Lank.

Ms. Heather Lank: In response to Ms. Gladu, in terms of the library, I'd just like to make a couple of comments that might be interesting to members.

The addition of “digital creations” from a library point of view, in some ways there's a potential for it to be slightly easier for the library to implement. I know that at your last meeting there was talk about sculpture and marble and possibly different things that might be involved in art, and as you know, poetry is words on a page. We can post the poet laureate's poems online at virtually no expense. It's very straightforward. They hold the copyright. We can read the poem and enjoy it.

When you get into visual arts, it's a very different story, of course, and you're potentially looking at painting, art, film, sculpture and so on.

For the library, from a management of the program point of view, digital creations are somewhat easier. From that perspective, in terms of potential impact, it might make management of the program easier, because, as members pointed out last week, the potential implications of some of the other art forms could be significant from a budgetary point of view.

Not having an art collection currently, this is quite a new road for us and opens up doors to things that we have not had to do in the past. Of course, if that's Parliament's wish, we will do it with dedication, but it is quite a different thing for us from poetry.

Digital creations are something that we're a little more familiar with.

• (0940)

The Chair: Thank you, Ms. Lank.

Lisa.

Ms. Lisa Hefner: Thank you, Chair.

To the witnesses, what I think I'm hearing from you and maybe I'm wrong is that the intent behind this amendment is already in the legislation, that the digital artwork would already be included in the definition that we see in these pages.

Would you say that is true, or do you think that we would need this amendment in order to include digital work?

The Chair: Ms. Lank, did you want to speak to that?

Ms. Heather Lank: In my experience with legislation, if the intent of Parliament is to make it clear that you want that included, it's certainly helpful. For example, for the committee members when we're looking at nominations, if we see that digital creations are explicitly included, then there's no discussion about what fits and what doesn't fit and what would be okay.

There's always room for interpretation, especially in a list that says “including” because that just means here are some of the options. It doesn't mean that other things can't be included, but putting it in does create greater clarity for the program, as opposed to leaving it as a matter for discussion and debate.

The Chair: Mr. Davis, did you want to add anything to that or do you feel comfortable with Ms. Lank's opinion?

Mr. Richard Davis: I feel comfortable with Ms. Lank's characterization. I don't think it does any harm or damage to the bill to be explicit about digital if this was the will of the committee.

The Chair: Thank you.

Now we'll go to Mr. Julian and then Mr. Champoux.

Mr. Peter Julian: I'm going to be supporting this amendment, and I think I'd like to thank Ms. Gladu for bringing it forward.

[*Translation*]

Mr. Martin Champoux: I'd like to add something to what Ms. Lank was saying a little earlier.

Precision is all the more necessary when there's a list in the definition. Either we include a list to define what the arts in question are, or we don't put one in at all. In the latter case, it would be open to all sorts of interpretations. From the moment you include a list, if you want that to be the case, I think it would be preferable to add the notion of digital creations.

I also support this amendment.

[*English*]

The Chair: Thank you.

Mr. Waugh.

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

I really like the digital. Film is kind of leaving us, believe it or not. I do know some of us around the table would find that a little bit shocking, but film is leaving. There is digital now. If we can make it easier for Parliament to give you the list, I think it's good, because sometimes retirements happen and people leave certain positions. Then when we're looking at a bill, new people come in and they have no idea what the previous group liked or disliked or how they interpreted the bill.

I do think it needs to be in here and I would like to thank Ms. Gladu for it, because as we've seen in the last year digital art right now is going for hundreds of thousands of dollars, more so than the old structure that we think of, such as paintings. Digital art is on the upswing and I think it needs to be in the bill.

The Chair: Thank you.

Seeing no other questions, I'm going to call—

Lisa, please go ahead.

Ms. Lisa Hefner: I'm sorry, Chair. We're just sort of ruminating about the implications of this. My friend, Ms. Gladu, brought up this notion of AI. I actually heard your colleague speaking about how scary some of this AI and deepfakes are on the Internet these days. I have that concern. I'm concerned that we're opening the door to that sort of abuse with this amendment.

I don't know who might want to comment on that. Maybe our witnesses would want to comment. Does this give you any sort of pause? Does it make you nervous in any way that we would open the door to this with this amendment?

● (0945)

Mr. Richard Davis: It's obviously an area of great preoccupation for many of us who are working in the cultural sector. We do find ourselves in a somewhat reactive mode, trying to keep pace. I can tell you that, in terms of our colleagues within the department, within the portfolio and within the broader community of granting agencies and funders across the country working in the cultural spaces, it's very much an active issue and active discussion.

In the current context, I don't think there's a great deal of concern, frankly, because of the individuals who are involved in making the recommendations. When you look at the fact that the Canada Council for the Arts and the National Gallery are members of the committee that's bringing forward those recommendations, I think they're going to bring very informed opinions about whether an art work is in the realm of creativity we would want to be identified with as Canadians and is truly representative of Canadian expression and creativity, and not something that's been generated through some sort of algorithm.

The Chair: Does that answer your question, Ms. Hepfner?

Ms. Lisa Hepfner: I think so.

The Chair: Ms. Gladu, go ahead.

Ms. Marilyn Gladu: Similarly, I have great faith that a visual arts laureate would be looking at something through the lens of "Is it art?" as opposed to "Is it scary and destructive to someone's life?" I do share Ms. Hepfner's concern about where technology may go, but I don't think it's a concern here in the bill.

The Chair: Mr. Davis, go ahead.

Mr. Richard Davis: If I may just add, again, I think it's an emerging area, and the parties that are involved in bringing forward the recommendations are really going to bring expertise and will be wrestling with these questions. In that respect, faith can be put in their capacity to wrestle with these questions.

I did want to just return to this question of digital art. I may have made too firm a distinction between digital art as a medium, as opposed to a practice. I had a moment to just quickly confirm, since we are talking about the Canada Council. It has a very clear definition of digital art as a practice, which I can share with you. It states:

...digital arts are any form of artistic expression by professional artists, groups or organizations that responds to the following parameters:

Predominantly uses digital technologies throughout the artistic process as a stand-alone digital art work, and/or a repurposed digital art work for use with other art works;

Contributes to expanding vocabulary, impact or form of digital arts in various artistic contexts: critical, cultural, social, technological, etc.

I will stress, though, that the intent here is to work in the realm of the visual, so it's important that digital art is a range of practice that is outside of the visual.

You can have digital art that's.... I would again stress that the spirit here is to work in the realm of the visual arts, but that could be inclusive of artists who are working in a digital practice.

The Chair: Thank you.

Mr. Noormohamed, go ahead.

Mr. Taleeb Noormohamed: I am just thinking about the whole question of AI and AI-generated art, and whether or not that would

have an impact. There's a growing body of work being done by AI, beautiful pieces of art, abstracts, impressionists, you name it. AI is now producing art that can then be printed using 3-D printers and all kinds of other varieties of forms.

How comfortable are you that the folks who would be part of the adjudication would have the.... It's not a question of expertise but, you know, if things are increasingly difficult to differentiate once produced, are you comfortable that the individuals involved in the provisions of this amendment would create enough space for there to be a real delineation between what is sort of truly—I know it's all art—art generated by humans and not generated by AI.

Are we running a risk here of perhaps the unintended consequence of having something selected that was generated by AI and not by the artists themselves, or am I just worrying too much?

● (0950)

Mr. Richard Davis: It's a very interesting question.

I want to look at the office of the visual artist laureate through a lens similar to the one we would look through at the office of the poet laureate. We are looking at having an individual identified in that role who is also playing the role of advocate and spokesperson for the visual arts in a Canadian context and for Canadian creativity.

Again, while I don't want to minimize or dismiss concerns around AI as an emerging presence and technology and its place in the creative realm, I think the objective here is to find an individual we can proudly stand up as the face of expression of Canadian creativity. A big part of that role is to be an advocate as well as a creator. We've seen, in the Canadian jurisdiction and elsewhere, poet laureates championing that discipline. They are championing the practice. They're championing the work of other artists as well as their own work.

When we look at the composition of the individuals charged with the responsibility of making recommendations to the Speakers, I think we can have a high degree of confidence that they are sensitive to these issues, wrestling with them and looking for the strongest candidate possible to fulfill a full range of duties. As sophisticated as ChatGPT might be, I suspect it is not going to be quite as engaging or convincing a spokesperson as one of our fine Canadian creators.

I don't know, Dr. Lank, whether you have anything to add.

Ms. Heather Lank: I think that answer is just fine. Thank you.

The Chair: Seeing no other names put forward to speak to this clause, I'm going to call the question.

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

The Chair: I shall move on.

Go ahead, Ms. Hepfner.

Ms. Lisa Hepfner: Thank you, Madam Chair.

I'm wondering whether we can go back to the first amendment we passed.

As Mr. Champoux suggested, we talked about amending it to include indigenous languages, but then it seemed to pass very quickly before we did anything like that. As he suggested, he is amenable to including indigenous languages in this definition.

Do we want to go back to this question again?

The Chair: I would need unanimous consent. I don't think I have it.

Go ahead, Ms. Gladu.

Ms. Marilyn Gladu: No, I wouldn't give unanimous consent to that, because this is for the individuals who will be selected. It's important that they operate in one of the official languages. I think that's the intent.

The Chair: We cannot go back to that, Ms. Hepfner. I'm sorry.

(Clause 1 as amended agreed to)

The Chair: Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Thank you, Madam Chair.

Between clause 1 and clause 2, I wish to move a motion that is on notice. I would like to read that into the record at this time.

The Chair: Please go ahead.

Mrs. Rachael Thomas: The motion I wish to move is as follows:

Given that,
the government is desperate to police and control speech,
freedom of expression is—

Voices: Oh, oh!

Mrs. Rachael Thomas: I'll let my mike capture the laughter from across the way there.

● (0955)

The Chair: Go ahead and read your motion, please.

Mrs. Rachael Thomas:

Given that,
the government is desperate to police and control speech,
freedom of expression is fundamental to a free society,
the government rammed Bill C-11, the online censorship bill, through every step of the way, ignoring the concerns of Canadians and Canadian content creators, to force it into law,
the government has given itself the power to control what Canadians can see, hear, and say online,
Canadians must always stand up for their right to freely express themselves and access information of their choosing without government censorship,
the government is now requiring podcasts and social media services to register with the government as an overreach of Bill C-11 and a drastic affront to free expression,
it is the opinion of the committee to repeal Bill C-11 and that the committee report this finding to the House.

The Chair: Thank you.

We are continuing with this particular agenda here, which is to finish this clause-by-clause, and then we can deal with you, Mrs. Thomas.

If you're going to decide that I can't do that, we'll ask the question again.

Mrs. Rachael Thomas: Madam Chair, please follow the rules. According to the green book, if you will confer with the clerk, I have the ability to move a motion, and as soon as a motion is moved, it takes precedence at the meeting.

The Chair: Mr. Champoux, go ahead.

[*Translation*]

Mr. Martin Champoux: On that subject, Madam Chair, I would remind you of what happened last week, when I tabled my motion concerning freedom of expression. The circumstances were exactly the same. We were not discussing the work of the committee and we postponed consideration of my motion until later.

We learn something about committee procedure every day. I learned something last week. I think it's the same situation.

[*English*]

The Chair: Thank you.

I'm sorry, Mrs. Thomas, but I am going to move to the question.

Should clause 2—

Mrs. Rachael Thomas: Madam Chair—

Mr. Peter Julian: Just on a point of order, Madam Chair, Mrs. Thomas has experience as a committee chair. She knows that what she is doing is procedurally wrong, and if she is going to question again the right decision that you're making as chair, she has only to challenge the chair and the committee can decide.

It is highly inappropriate to interrupt clause-by-clause. I would hope that the Manitoba lesson, the crazed rhetoric of the Manitoba Conservatives, would serve as a lesson to Conservatives here that the public threw the Conservatives out for many of the same reasons and the kind of disruption we're seeing today.

Let's complete the bill. You have quite appropriately ruled. This is a notice of motion, which means it could be discussed after 48 hours at the next committee hearing, as Mrs. Thomas knows well. We'll have another committee meeting after the Thanksgiving break, and that will be when she will be able to move it.

The Chair: Do I have agreement of the committee to go ahead and finish the work on the clause? We have only two more clauses to go.

Mrs. Rachael Thomas: No, you do not, Madam Chair.

Madam Chair, I will disrupt the rest of this meeting if you do not follow the green book.

According to the Standing Orders, between one clause and the next, I have the ability to move a motion. That motion is on the table. It is being discussed as a motion moved.

The Chair: Go ahead on a point of order, Mr. Noormohamed.

Mr. Taleeb Noormohamed: Madam Chair, if Mrs. Thomas has an issue, perhaps she can challenge the chair. We can move on with this and then we can put this to rest. As it is, I note that you were following precisely the rules of the committee as articulated and as noted by others. It would be wonderfully helpful if there were a challenge to the chair, then we could get that done and move on with the business of this committee.

The Chair: Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Madam Chair, the difference is this. Mr. Champoux put his motion at a business meeting. He brought it forward for discussion and said that he wished to, and then he agreed to allow it to subside for a time and to then bring it forward by moving it.

Madam Chair, my motion is already tabled. I am not tabling it today. I am moving it today and I have the right to do that in between clause 1 and clause 2, and it now takes precedence at this meeting.

The Chair: Indeed, I think that to go by the book, Mrs. Thomas does have the right to move it between clause 1 and clause 2.

I do want to ask, though, that we try to not be disruptive.

Mr. Taleeb Noormohamed: On a point of order, Madam Chair, I find it remarkable that Mrs. Thomas would say—and I quote—“You're ridiculous” to the chair. It is unbecoming of a parliamentarian, and I would ask that Mrs. Thomas apologize to the chair so that we may continue with committee business.

The Chair: Mrs. Thomas.

Mrs. Rachael Thomas: Madam Chair, I apologize for saying that you are ridiculous. What I find offensive, though, is that you are not following the rules that are prescribed by the green book. I would ask that you as chair would maintain order in this committee by following those rules.

The Chair: Mrs. Thomas, if you were listening you would have heard that I said that you can move your motion, but you obviously weren't listening because you were prepared to just carry your fight.

Mrs. Thomas is allowed to move this. I am hoping we can appeal to her to just let us finish clause 2. That's all we have to do, and then we will just get this bill off the table.

• (1000)

Mrs. Rachael Thomas: No.

The Chair: She will not do this.

Mr. Michael Coteau: Call the vote.

The Chair: No, I can't. I'm sorry.

Mr. Champoux, go ahead.

[Translation]

Mr. Martin Champoux: Madam Chair, we can continue to debate the relevance of Ms. Thomas' motion until the end of the meeting.

I find it inappropriate to interrupt a process that is proceeding at a good speed. We would have plenty of time to start discussing her motion immediately afterwards. We could finish studying Bill S-202, thank our guests and move on.

I think it would be respectful of the process, respectful of the committee and respectful of the people who have come here today to debate this if Ms. Thomas would agree to suspend the meeting for a few minutes while we finish passing this bill. That would take three minutes.

[English]

The Chair: Mr. Champoux, according to the rules...and I think I want to go by the rules. I've always tried to follow the rules as a chair, because committees are rules-based organizations or institutions, or whatever you want to call them.

Unless someone moves to adjourn the debate, we'll have to allow the debate to happen.

[Translation]

Mr. Martin Champoux: Madam Chair, I simply ask that Ms. Thomas show good judgment and respect for the work of this committee and our guests, and that she consider postponing discussion of her motion until later.

It won't take very long, about three minutes. That would be the right thing to do.

[English]

The Chair: Mr. Champoux, I actually appealed to Mrs. Thomas to do that and she has refused, so basically—

I have Ms. Hepfner.

Ms. Lisa Hepfner: I move to adjourn debate.

The Chair: Thank you, Ms. Hepfner.

I have to move to the vote on the motion to adjourn debate.

Mrs. Rachael Thomas: I would like a recorded vote.

The Chair: Thank you.

You want us to call the vote, Mrs. Thomas, or are you prepared to accept it as is?

Mrs. Rachael Thomas: If you ask the clerk to explain what a recorded vote means....

The Chair: We're going to do a recorded division just to be clear on this.

(Motion agreed to: yeas 7; nays 4)

The Chair: The motion to adjourn debate is carried. We shall move now back to Bill S-202.

Shall clause 2 carry?

(Clause 2 agreed to)

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall I report the bill as amended to the House?

Some hon. members: Agreed.

The Chair: We've agreed on that.

Thank you very much. We've finished with Bill S-202.

I have Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: We did not approve the budget for the bill.

[*English*]

The Chair: I don't have a question about the budget for the bill.

Do we have to pass a budget for the bill here?

No, we don't have to for the bill to carry, but we can adopt it if you want. Do you have the budget in front of you, all of you?

Shall the budget for the bill be approved?

Mr. Michael Coteau: I read before that it's \$4,500. Is that right? I can't find it.

What was it for? Is it just for travel and regular stuff?

The Chair: It's for witnesses, etc., for food and whatnot.

Mr. Michael Coteau: Okay. Thank you.

The Chair: It's for witnesses and food.

I have Mr. Waugh.

Is it on this issue of the budget?

Mr. Kevin Waugh: Yes, it's on the issue of the budget.

In front of us are multi-million dollar facilities that the House of Commons has set up. We've seen that during Zoom and the pandemic. We've seen everything. Why are we bringing people to Ottawa? This is ridiculous. We have a multi-million dollar set-up in front of me yet we want to bring a person in from Winnipeg at \$2,200. There's an unspecified person coming in for \$1,200. It's a total of \$3,400.

I see no reason in this budget to bring people in. We can bring them in on Zoom. We've done this in the past. I have emphatically asked every committee in the House of Commons to start using the multi-million dollar facilities in front of us. This is ridiculous, and it needs to be addressed in every committee, including ours here today.

• (1005)

The Chair: Go ahead, Mr. Julian.

Mr. Peter Julian: First, I have a question, Madam Chair.

My understanding—because we've completed the process—is that the money was not spent. Is that right? How much of it has been spent?

The Chair: Clerk, can you tell us how much of it has been spent?

The Clerk of the Committee (Ms. Geneviève Desjardins): I can't confirm right now what has been spent. It won't be exactly

this. This was prepared before the witnesses had confirmed, and since then nothing has been put onto this budget since it has not been approved by the committee yet.

Mr. Peter Julian: Okay. That was my question.

I agree with Mr. Waugh in terms of making sure that we're spending the least possible. This issue came up yesterday at the public safety committee, where a Conservative filibuster cost about \$50,000 to Canadian taxpayers. Over the course of two meetings it cost \$50,000. That's more than most Canadians earn in a year, and the \$50,000 Conservative filibuster there was simply burning through taxpayers' money.

Madam Chair, we saw, I think, a similar situation when the CRTC head came. As we were waiting to question them, there was a filibuster. The filibusters are taking place now at all committees. At every single committee, you'll see a Conservative filibuster. I believe this is at the direction of the member for Carleton, and it is costing Canadians tens of thousands of dollars rather than allowing committees to do their work. I'm thankful that with the majority support from three-quarters of the parties in the House of Commons we're able to get this bill done.

I would agree with Mr. Waugh that we have to be very prudent with the taxpayers' dollars. I think the Conservative filibusters have been incredibly costly and should cease because we have to walk the talk, and I think that would be a first step for Conservatives to save Canadians' hard-earned money.

The Chair: I would like to just clarify, actually, to the committee—just to look at the budget, because we can amend the budget—that the witness from Winnipeg was a senator who in fact appeared virtually. Therefore, that money was not spent. In terms of the headsets, she had her own, which was an approved headset, so that money was not spent.

We're really looking at \$500 for food.

Go ahead, Ms. Gladu.

Ms. Marilyn Gladu: That was the point I was going to make—that really the budget is very small for this bill, which will help our visual artists all over Canada—so let's just approve the budget and move on.

The Chair: Thank you, Ms. Gladu.

Do I hear any objection to this? There is none. Therefore, the budget is approved. Thank you very much.

With it being almost time to end this meeting, is there anything else we want to discuss?

Go ahead, Marilyn.

Ms. Marilyn Gladu: I move a motion to adjourn.

The Chair: Thank you very much.

The meeting is adjourned.

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