



House of Commons
CANADA

Standing Committee on Canadian Heritage

CHPC



NUMBER 024



3rd SESSION



40th PARLIAMENT

EVIDENCE

Thursday, October 21, 2010



Chair

The Honourable Michael Chong

Standing Committee on Canadian Heritage

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• (1535)

[English]

The Chair (Hon. Michael Chong (Wellington—Halton Hills, CPC)): We are coming out of suspension and are now in public.

Monsieur Pomerleau, you have the floor.

[Translation]

Mr. Roger Pomerleau (Drummond, BQ): Thank you, Mr. Chair.

I will introduce the three motions one after the other, beginning with the first, on behalf of Ms. Lavallée, of course. I cannot express myself as passionately as she, as I am sure you can appreciate. Nevertheless, I will do my best.

With respect to the first motion, Deputy Minister Richard Dicteri told us at the time that the program had run out of funding, and that was why certain festivals did not receive the money they were expecting. Some major festivals did not get the funds they anticipated, namely the FrancoFolies de Montréal and the Toronto Pride festival, both of which met all the program requirements, in our view.

A quick examination revealed that the minister had added some criteria after the fact, criteria that were not initially included in the program requirements. For instance, he decided that there could be no more than two major events or major festivals per city, which was not the case in the beginning.

We also noticed that \$8 million from the marquee tourism events program went to the Canadian Tourism Commission, which, as we all know, is already largely funded.

Let us consider the situation of the FrancoFolies festival, for example. We want to show that the festival's application not only met the eligibility requirements of the program, but also exceeded them. The event had to attract 250,000 participants, but in 2009, the FrancoFolies festival had just over 823,000 participants. Tourists had to make up at least 10% of participants, and in the case of the FrancoFolies festival, tourists accounted for 21% of its 823,000 participants. The festival had to be in operation for at least 3 years, and the FrancoFolies festival has been around for 22. The festival had to offer 3 days of programming, and the FrancoFolies festival offered 10. The festival had to employ a marketing strategy and offer package deals, things the FrancoFolies festival has been doing since the very beginning. Applications had to be in the mail by January 8, and the FrancoFolies festival submitted its application even earlier. The FrancoFolies festival was asking for just \$3 million in funding, when it could have requested more.

On the flip side, however, the Canadian Tourism Commission obtained \$8 million. Why did it need that money, when it was already receiving funding from other departments? What criteria did the Canadian Tourism Commission meet that the FrancoFolies festival did not? We want to know.

We believe that public money was moved around, so to speak. That is why we want to get to the bottom of this and hear from the minister or, at the very least, one of his representatives.

[English]

The Chair: Mr. Del Mastro.

Mr. Dean Del Mastro (Peterborough, CPC): Thanks very much, Mr. Chairman.

While we're not opposed to a study on this, frankly it's at the wrong place. This, as members well know, was an Industry-led program. All of the decisions made for qualifications and approvals under the program were made out of the Department of Industry. It had nothing to do with heritage at all. If the member's party would like to bring this before the industry committee for a discussion, I'm sure they'd be happy to discuss it there.

But it is worth noting that the member is concerned about a program they never supported in the first place. It just seems odd that we would have this discussion here when we have very important matters before the committee.

• (1540)

The Chair: Thank you very much, Mr. Del Mastro.

Mr. Angus.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you.

I think this is the kind of study that we should be involved in. I don't know how many days I would want. I think I would like to have some clarification—perhaps one day. There might be witnesses who might want to attend, but I'm very jealous about our calendar and how we use our time.

But I think that even though this was under Industry, this really has always been the issue of festivals and cultural events, which really have been within the purview of this committee. Looking at what's on the industry plate, I think it's unlikely to be heard there. That's why I think Madame Lavallée brought it to our committee. I'm certainly willing to have an initial day.

I always feel that if we have an initial day and further issues result from that, then we can follow up. I'd like to have enough flexibility within our committee to do that, but at this point I'm willing to give a day.

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

I'd remind members we have 12 and possibly 14 meetings left, beginning on Tuesday of next week. That's all we have between now and the Christmas recess.

Monsieur Pomerleau.

[Translation]

Mr. Roger Pomerleau: I simply want to tell Mr. Angus that we had set aside one day to hear from the people at the commission.

[English]

The Chair: Thank you.

Mr. Del Mastro.

Mr. Dean Del Mastro: Thanks.

I guess what I'd say, Mr. Chair, is that I'm disappointed that members want to spend time on this. We have had hearings on this, as members well know. The ones who were here already would remember, despite our previous discussion, that this program was not run out of Heritage and had nothing to do with Heritage. The Department of Canadian Heritage made no decisions on this program at all—including the bureaucrats there. So we did have a meeting in the past that dealt with this. Members had their questions answered.

We do have a finite number of meetings left. I think we've entered into a study. We've had discussions about other things that are worth the committee's time. I'd like to go onto something substantive. Given that we've already had our questions answered on this—or certainly it seemed to me that the questions were answered when we had this meeting previously—and I know that members across the way will recall that we've already had this, it just seems to me like a shocking and disturbing waste of time.

Conservative members, all four of them and the one who's missing, will vote against it, but if members choose to waste meetings on things we've already done, that's within the purview of the committee.

The Chair: Mr. Simms, go ahead.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Wind-sor, Lib.): We did decide that it's going to be one meeting, because as far as we're concerned, one meeting is ample time.

The Chair: Okay. That's the direction the chair has received, provided the motion is adopted. Are there any further comments or questions on this motion in front of us? Okay. I'll call the vote. All those in favour of the motion? Opposed?

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

The Chair: The motion is adopted. Thank you very much. We'll dedicate one meeting to this. We'll fit it in sometime between now and Christmas.

The second motion we have in front of us is one that we've also been given notice for.

Mr. Pomerleau, could you move the motion?

Mr. Roger Pomerleau: Yes. I do.

The Chair: *Merci.* Would you like to speak to the motion?

[Translation]

Mr. Roger Pomerleau: Yes, please.

I will start by reading the motion, which is as follows:

That pursuant to Standing Order 108(2) the Committee on Canadian Heritage invite the Minister of Canadian Heritage and the Minister of International Trade, or their representatives, the Coalition for Cultural Diversity and any other relevant witness(es) to appear before the Committee and inform it of the progress of the negotiations on a free trade agreement with the European Union, particularly to ensure that any such agreement will respect the treaty on cultural diversity promoted and signed by Canada, and that the Committee report to the House accordingly.

That said, Canada was the first country to promote and sign the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, in October 2005. The treaty protects arts and cultural industries during the negotiation of free-trade agreements with countries that consider culture to be an especially important commodity requiring special protection. Culture is a separate commodity, and signatory countries are choosing to protect their culture to help it flourish at home, of course, but also abroad. That is what Quebec has done in the case of Cirque du Soleil, for instance, and shows that are put on abroad, namely *Notre-Dame de Paris*, or films such as *Incendies*, which the minister recently invited us to see.

This is basically what the member for Saint-Maurice—Champlain, Mr. Laforest, said today. He said, more or less, that the Bloc Québécois had been calling for a free-trade agreement between Canada and the European Union for 10 years, but not at any cost, and that the head of economic affairs for the European delegation had said that everything was potentially up for negotiation. He also said that the European Union did not support the cultural exemption clause.

Can the Minister of International Trade give us clear assurance that he is going to fight for that clause? That is what we want to know. In fact, we want him to insist on incorporating the rules that govern access to government contracts into the agreement with European Union partners. We want the rules that apply to our partners to also apply to the case before us. It is essential that the minister understand how important it is to protect cultural diversity, which is at the heart of our identity, for both Quebecers and Canadians. Because of its sheer size, the European Union dominates negotiations. Given that Canada has more to lose here, we are concerned that should these talks break down, Ottawa will end up making a few too many concessions to the Europeans. We know perfectly well that this treaty will influence future treaties with the Americans, who will demand the exact same thing. So this is a treaty that we want to make sure includes some guarantees. That is why we want the minister or his representatives to tell us what their intentions are regarding the matter.

● (1545)

[English]

The Chair: Okay.

[Translation]

Thank you, Mr. Pomerleau.

Monsieur Angus, puis monsieur Simms, et puis monsieur Del Mastro.

Mr. Angus.

[English]

Mr. Charlie Angus: Thank you.

Well, I will always keep going back to how we used to do things on this committee, where we would lay out a whole bunch of possible narratives and then start to construct a plan. In these one-off motions, what we end up with is that whoever gets the motion in first, we can start setting the agenda. I'm concerned about that. I recognize that we're going in that direction.

I think the issue of the EU trade is a big deal, but it's also a big deal in light of the next motion we're going to deal with, which is ACTA. I'm concerned about us saying that we'll have one day on ACTA and one day on the EU.

I would prefer to start grouping some of these together, putting them into a slot when we'll actually start to look at them, because it's not just the issue of cultural diversity with the EU. There are issues of copyright and how international copyright will affect domestic copyright. We have a copyright bill before the House now that will have to be addressed. ACTA is definitely part of this. I mean, there were secret negotiations for the last two years and many concerns about how ACTA was going to play out. It appears that various players in the ACTA negotiations have split off. Now, are we dealing with WIPO 2010, or we are dealing with ACTA? We have the EU....

I would prefer to take those two as a group, rather than have one day, and hear from ministers and officials, and actually put this into the slot, but not now—perhaps beginning in the new year. We could bring in enough witnesses so that we actually can have a couple of days on what the implications are of ACTA and the EU. If there are going to be implications, what do we need to address, as opposed to simply saying we'll have a day and we'll hear it and move on? I don't think we're going to justice to it.

I'm not opposing the motion, but I'm saying that this and the next motion I think have to somehow be put together into a larger frame, and then we have to fit that into our agenda of what are our priorities.

The Chair: We're going to Mr. Simms and Mr. Del Mastro, but you have two options, Mr. Angus. If motions 2 and 3 get defeated, Madame Lavallée can easily reintroduce them any time she wants in December or January when we are ready to consider these subjects.

If the committee adopts this now and gives the chair the instruction to hold off until the new year on calling witnesses on motions 2 and 3, on ACTA and on the Canada-European Union trade negotiations, then I'll do that. Those are your two options. You can choose either path and I will follow it.

Mr. Charlie Angus: Then I will add an addendum to my statement—

The Chair: Yes.

Mr. Charlie Angus: —that I would prefer to defeat these motions now and rewrite them into a motion where we actually have something that I feel would be more suitable. It's not that I'm against it, but I will say that I would rather...and if other people want to join me on that, then that should be the direction.

The Chair: Yes, and I encourage you to work with Madame Lavallée to come up with a new motion that combines the two. All the committee needs is 48 hours' notice. At any point in time, you can introduce the motion.

We're going to Mr. Simms and then to Mr. Del Mastro.

Mr. Simms.

Mr. Scott Simms: Well, it seems like you have some agreement on that. I just wanted to speak to the issue itself. Personally, I really like this, because right now we're into a comprehensive negotiation. Right now, culture is not talked about as much, I assume, as things like the marketing boards, say, and so on, and even copyright, for that matter. But I think it's very important. It was a huge issue with NAFTA.

It hasn't been as big an issue, at least not in the public discussion about what we're about to sign in the Canada-European, because it's the European Union, which means they still have individual member states, and if you've ever dealt with fish, like I have internationally, you'll know that one state says one thing and the other does something completely different. I won't belabour that point.

The other point, of course, is the ACTA stuff, and that, too, is crucial. I'm not so sure, though, that it can be handled in one meeting, quite frankly. I would rather have two separate meetings. However, to delay it into the New Year, I have no problem with that either, given the time constraints that I'm sure Mr. Del Mastro will talk about.

• (1550)

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

Mr. Del Mastro.

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

We'll be voting against it for a couple of reasons. One, I believe, as with the previous motion, that the proper place for this is with the department that dealt with it and with the committee that works for that department. In this case, this is a matter for the international trade committee. Obviously this is an international trade deal—or perhaps, if they wished, foreign affairs—but it's very difficult to deal with a domestic industry and to discuss a foreign trade deal and the negotiations that may be occurring in that regard.

I believe that certainly in this case Mr. Simms and Mr. Angus have correctly pointed out that there are other issues at play here, not the least of which, I can assure you, is that if we're not successful in passing a modernization of the Copyright Act, we will have problems with any trade partners, including negotiating a trade deal. But even if we don't negotiate a trade deal, if we don't modernize the Copyright Act, having met with members of the European Union, I can tell you, as I'm sure others have across the table, that it is something they're expecting us to do regardless.

Thank you.

The Chair: Thank you, Mr. Del Mastro.

Mr. Simms.

Mr. Scott Simms: I agree to a certain point; I think it's probably more to do with ACTA than anything else. But anyway, I would like to say as an addendum—I think that's the word that's going around—that I'm not so sure if having the Minister of Canadian Heritage or half the heritage department here is a good idea. I don't think there's much they can add to it, really.

I think the international trade component and the people involved in that are key to this issue. They're germane to the conversation. I think they're the ones who can give us something. I really don't think the heritage officials can at this point—much less want to.

The Chair: Okay. I'm going to call the question on motion 2 concerning the Canada-European Union trade negotiations. If this motion is defeated along with motion 3, I would ask that members work together to come up with a motion in advance of our discussion about it in committee, so that we can have some sort of a better consensus.

Monsieur Pomerleau.

[Translation]

Mr. Roger Pomerleau: Mr. Chair, after listening to what everyone at the table has been saying, I very much agree with Mr. Angus' comments, as well. I think we should spend a bit more time on it, a bit later. The committee is free to hear who it wants, and it will be up to the committee to decide whether such and such a person appears before it or not.

Therefore, I would suggest that these two motions be set aside for the time being and that Mr. Angus and my colleague meet to put forward a motion together.

[English]

The Chair: Okay. To be procedurally correct, I'll call the question on motion 2. You can always reintroduce it at another meeting, provided you give me notice. I'm going to call the question on motion 2. All those in favour?

(Motion negated)

The Chair: The motion is defeated. Now, with respect to motion 3, I'll simply ask that you not move the motion. That's the way we'll deal with that.

We're now going on to motion 4 and motion 5. We'll deal first with motion 4, but I'd point out that motions 4 and 5 both have to do with our emerging digital media study, and I'll make a suggestion as chair. If people are generally comfortable with what these motions are suggesting, I suggest that the committee just adopt both these motions without much discussion or debate, and then we can get into a bigger discussion about how we're going to structure the remaining 12 or 13 meetings we have between now and Christmas.

We have motion 4 in front of us. It's from Mr. Rodriguez, but I need somebody in this committee physically to move it.

• (1555)

Mr. Scott Simms: I so move.

The Chair: The motion reads:

[Translation]

That the Standing Committee of Canadian Heritage, within its current study on Emerging and Digital Media: Opportunities and Challenges, invites small and independent broadcasters to testify of the future of independent broadcasting in Canada.

[English]

That's the motion in front of us. Is there any debate on this?

Mr. Del Mastro.

Mr. Dean Del Mastro: Not to disagree with you too vehemently, Mr. Chair, but of the two motions, I think the second one that's proposed by Mr. Angus is a little bit more comprehensive. I do think, knowing what it is they're actually looking to accomplish from this, that we might get a clearer report if we actually look at it as a separate issue. I don't disagree that there's overlap and that we could find commonality with the current study we've undertaken, but I think I'll vote against this and support Mr. Angus's motion.

The Chair: Thank you, Mr. Del Mastro.

Mr. Angus.

Mr. Charlie Angus: Thank you.

I certainly understand where Mr. Rodriguez is coming from in his motion. Here's what concerns me. I was looking at some similar issues at the same time, and I did feel that if we just announced that we were going to talk to the small independent television broadcasters, within the context of the study we have been doing it would be lost. The other study has been very large and very broad and not all that clearly focused, and not all that clearly focused for a number of reasons. Because when you mention digital, suddenly everybody is part of the digital culture, and where are we going with the committee?

There are specific issues in terms of the new viewing platforms, with television, with the funding for television, and with the fact that we now have a few very large vertically integrated players. How do they play? How does independent production play? Where is independent television? What's the role of the Canada Media Fund?

These are all decisions that I think have to be made in the context of a landscape that is dramatically different from what it was when we met two years ago on the television study and we were talking about fee for carriage and local television. Some of those issues have already been pretty much addressed, I think, just by corporate takeovers. There are real, clear issues facing the diversity of voice and diversity of ownership, and how we are going to make recommendations to government for new production and how it's going to play, whether you're watching it on your Bell phone on Bell CTV or viewing it on the Internet.

I think this is a specific study separate from the overall, very large digital study, which we may continue or we may decide to hold until copyright is dealt with. I don't know. But I think we need probably five meetings anyway to address some very clear implications for the television landscape right now.

The Chair: Thank you, Mr. Angus.

Mr. Simms.

Mr. Scott Simms: I'm not going to repeat what Charlie said, but I do agree with his points. May I suggest this, even though I just physically moved it and can't physically move it back? We'll defeat it, as was mentioned by Mr. Del Mastro, but if I can move an amendment to Mr. Angus' motion.... Should I do that right now? Should I deal with this and then deal with that?

The Chair: Yes. Motion 4 is in front of us, not motion 5. You can't withdraw it, but it's not a huge consequence if it's defeated. You can reintroduce it word for word at the next meeting. It's not a big deal.

Seeing no further debate I'll call the question. All those in favour of motion number 4? Opposed?

(Motion negated)

The Chair: We'll now go to the motion that Mr. Angus has given us notice for.

Mr. Angus, would you care to move the motion?

• (1600)

Mr. Charlie Angus: I will move the motion and spare you my explanation, because I believe I've pretty much explained it.

The Chair: The motion has been moved and is in front of us. I believe Mr. Simms has an amendment.

Mr. Scott Simms: Yes, I do. Very quickly, point 2 in the motion says "the role and viability of small broadcasters", and I would like to add "and independent".

The Chair: Okay. We are now on the amendment that has been moved. The amendment is to add the words "and independent" to the second point. We will have discussion on the amendment.

Mr. Angus.

Mr. Charlie Angus: Thank you.

I'm wondering if it should be "small and independent television broadcasters". There are many broadcasters out there. Again, we are not opening this up to a general discussion of broadcast. I think we

have to be focused that we are talking about these players in the new viewing platform, so if we say "small and independent television broadcasters" it actually makes it clearer who we are dealing with as opposed to community, television, radio, etc.

The Chair: Okay. I've got you. The amendment as moved by Mr. Simms is to add the three words "and independent television".

Is there any debate? If not, I'll call the question.

(Amendment agreed to)

The Chair: We're now on the motion as amended.

Seeing no debate, I will call the question. All those in favour? Opposed?

(Motion as amended agreed to)

The Chair: Thank you. We have disposed of all the motions.

I'm going to suggest that we map out the next 12 to 14 meetings. But before we do that and I get your more detailed direction on what witnesses you want to have appear and the focus you want to have, why don't I give the floor to the analysts for 15 minutes to give us a succinct briefing on what has been done to date? So when you make your suggestions, you can do so with that knowledge.

I'll give the floor to the analyst. Please go ahead.

Mr. Michael Dewing (Committee Researcher): Thank you very much, Mr. Chair.

The Chair: As chair, I would make the suggestion that somebody move us in camera simply because we're discussing aspects of a potential report.

Mr. Angus has moved that we go in camera. All those in favour?

Some hon. members: Agreed.

The Chair: Okay. We'll suspend for a minute to move in camera.

[Proceedings continue in camera]

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