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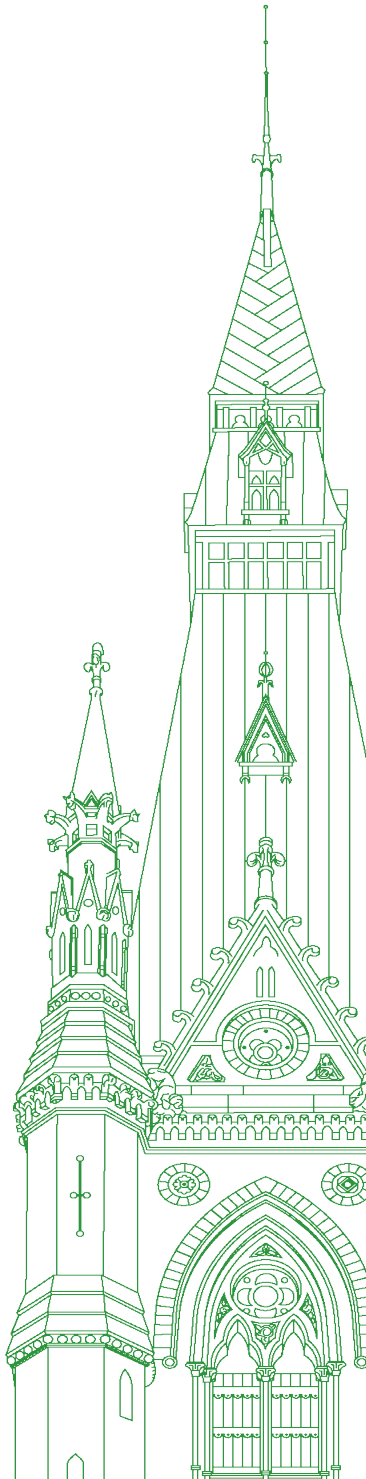

Chair: Mr. Scott Simms

# Standing Committee on Canadian Heritage

**Friday, April 23, 2021**

● (1305)

[*English*]

**The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)):** I call this meeting to order.

This is meeting number 26 of the House of Commons Standing Committee on Canadian Heritage.

Pursuant to the order of reference of Tuesday, February 16, the committee resumes clause-by-clause consideration of Bill C-10, an act to amend the Broadcasting Act and to make related and consequential amendments to other acts.

Today's meeting is taking place in a hybrid format, as you see before us. We're also being webcast for those watching us from.... I was going to say around the country, but I suppose you could say from around the world.

That being said, very quickly I want to go over some of the rules that we've put down so far, for those of you who are observing this committee.

We are going to go through clause by clause. Each amendment will be signified by letters and numbers. For example, PV is *Parti vert*. PV-1 would be the first of the Green Party's amendments. We have amendments from LIB, from the Liberal members on the committee. CPC is from the Conservative members. The Bloc Québécois' will be BQ. NDP is the New Democrats. The final category would be G, which would be amendments coming forward from the government.

Before we pick up with that, there are just a couple of rules. Remember, please no taking any photos of this for distribution. That's for this particular meeting and for all of the meetings, really.

To clarify something on the votes, folks, when we vote on an amendment or a clause, I will ask for it to carry. If I hear silence then it carries. If I hear a “no” I will go to a recorded vote. If I hear a “no” and then someone says “on division” then I will carry it on division signifying that someone is not in support of it, but we'll go ahead without a recorded vote. If you want it to be negatived on division, just say “negatived on division”, or “no, on division”.

I hope that's clear. It was last time, I just thought I'd repeat that for everyone's benefit.

Let's get to scheduling for just a moment. As you know, we passed a motion to see if we can seek out extra hours or meetings for Bill C-10. You've already received the notice. We'll proceed and go ahead and try to find the space where we can. We found an evening of May 3 as a placeholder.

Just so you know, we attempted today to go for three hours, but that was not possible. We know that the Senate is also sitting. We also attempted for next Friday to do three hours. That too was unsuccessful. We were only able to obtain two hours, because multimedia services weren't able to cover it. So far we just have the extra meeting on May 3. I think you have received a notice for that. Nevertheless, we can talk about that later, if you wish.

I think it's time for Bill C-10. We'll go to clause-by-clause. We'll pick up where we left off.

(On clause 2)

**The Chair:** We're on NDP-8.

Ms. McPherson, it's your amendment. Would you like the floor?

**Ms. Heather McPherson (Edmonton Strathcona, NDP):** Thank you, Mr. Chair.

I'm happy to speak to it. I think we have discussed the amendment already. I can provide some arguments.

Basically this is to make sure that the Canadian broadcasting policy is innovative, that it supports the development of Canadian creative talent and reflects Canada's indigenous and multicultural culture, while reflecting its communities and regions. There's been an enormous loss of community channel archives and closures of studios. This is something that we've put forward to combat that, to some degree.

If anyone has questions, I'm happy to answer them, but I think we had already discussed the amendment to some degree before we adjourned last time.

**The Chair:** Yes, we had, Ms. McPherson.

Based on a precedent of the ruling that I did prior, I'm going to have to make the following ruling. For any programming to be made available to the public through archival means such as the Library and Archives of Canada, unfortunately that goes beyond the scope and principle of the bill. It was not covered in the original bill.

For those watching, when we accept the bill in the second reading and send it to committee, it gives us a broadly narrow—if I can use that term—scope by which we can operate. We cannot bring in something from the outside that is brand new. Therefore, in this particular case, to be consistent with the ruling of the last amendment, I have to rule this way.

If you notice, folks, on NDP-8, on page 45, subparagraph (vii). That last one makes reference to that. Therefore, that ties the whole amendment into this.

Ms. McPherson, again, that is no reflection on the content or the intent of where you wish to go. Unfortunately, I have to rule that to be out of order.

We move to CPC-4.

Mr. Rayes.

[*Translation*]

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

I think that the proposed wording is fairly clear:

> (u) online undertakings that are not owned by or subsidiaries of undertakings licensed under this Act to provide English language only programming and are subject to an original Canadian programming requirement shall ensure that, as part of that requirement, the proportion of their original French language programming corresponds at a minimum to the proportion of the French-speaking population in Canada.

I'm sure that Mr. Housefather is going to love this proposal.

[*English*]

**The Chair:** Ms. Dabrusin.

**Ms. Julie Dabrusin (Toronto—Danforth, Lib.):** Thank you.

The intent of making sure we have French representation is something that's come through in a lot of the amendments that we've looked at, and it's great, but tying it to population numbers is not really, I would think, the best way to go.

First of all, that could be a dropping number. It could be.... It creates a floor—potentially a ceiling—for that representation, so I'm not really in favour of quotas, certainly not tied to population numbers.

I do think that BQ-18 seems to do perhaps a bit of a better job at trying to get that representation for French programming. My thought is that the quota system is a little off.

● (1310)

[*Translation*]

**The Chair:** You have the floor, Mr. Rayes.

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

In response to Ms. Dabrusin's comments, I'd like to point out that there is no quota or ceiling. On the contrary, it is clearly written that the proportion in question corresponds “at a minimum to the proportion of the French-speaking population in Canada”. At the very least, it should be done in the same proportion. It could be a lot more, but it cannot go below this proportion.

**The Chair:** Mr. Champoux, you have the floor.

**Mr. Martin Champoux (Drummond, BQ):** I have to candidly admit that I'm having trouble determining which undertakings are being targeted.

Could you tell us, Mr. Rayes, which specific undertakings or types of undertakings you are alluding to in this amendment?

Besides which, we have always tried to avoid floors that reflect the number of francophones in Canada, precisely because what is generally requested and required is higher than the proportion of Francophones in Canada. It's usually between 30% and 40%.

I would like to know what the underlying intent of this amendment is, and in particular, at whom it is being specifically addressed. If it came to that, would we be open to an amendment saying that all the requirements placed on broadcasting undertakings should represent a more equitable proportion?

**The Chair:** You have the floor, Mr. Rayes.

[*English*]

Monsieur Rayes, I'm sorry, but before you start....

Don't forget, folks, when you're not speaking, can you please help us out by putting your microphone on mute? Thank you.

Monsieur Rayes.

[*Translation*]

**Mr. Alain Rayes:** I heard you, Mr. Chair. I'll make sure I do that.

For the first question, regarding the ceiling, I'd like to repeat that it is clearly indicated that at minimum, it should be in proportion to the Francophone population. There's nothing to stop it being higher. I don't see how this is ambiguous or contrary to everything that's been done. We're simply making sure that the country's French-speaking population will be properly served in French.

As for determining which undertakings are at issue, I wonder whether one of the clerks, analysts or officials with us today could help me. I find that the wording clearly indicates that we're talking about all of the following undertakings: “online undertakings that are not owned by or subsidiaries of undertakings licensed under this Act...”. I don't know how to put it any more clearly. We're lapsing into the jargon of resolutions.

[*English*]

**The Chair:** Seeing no further comments, we will go to a vote.

I'm sorry. I do have comments.

[*Translation*]

Back to you, Mr. Champoux.

**Mr. Martin Champoux:** Mr. Rayes was asking for clarification from a departmental representative, and I too would like to have that. Would it be possible to ask one of the officials here to comment?

[*English*]

**The Chair:** We'll now go to the department. I'm looking for a show of hands, as we normally do, for someone from the department who wishes to address Monsieur Rayes' comments.

Go ahead, Mr. Ripley.

[*Translation*]

**Mr. Thomas Owen Ripley (Director General, Broadcasting, Copyright and Creative Marketplace, Department of Canadian Heritage):** Thank you for the question. I could perhaps ask my colleagues, Mr. Olsen and Mr. Smith, to help me out.

Our understanding of the amendment's intent is that it targets undertakings that are not owned by undertakings licensed under the act to provide services in English. For me, this indicates that it is meant for online services, whether Canadian, or in some instances, foreign. I believe that the intent is to target the major online undertakings, like those that offer streaming services, except for those owned by a Canadian undertaking licensed to provide services in English.

I'm not sure whether Mr. Olson has something to add.

● (1315)

[*English*]

**Mr. Drew Olsen (Senior Director, Marketplace and Legislative Policy, Department of Canadian Heritage):** Thank you, Mr. Chairman, and thank you, Mr. Ripley.

That is correct. That is my interpretation of the amendment as well. It would be “online undertakings that are not owned by or subsidiaries of undertakings licensed under this Act to provide English language only”. There are a number of those undertakings in Canada that are licensed to provide English-only content, so that is what I believe this amendment would do.

Given that French is not my first language, I'm just looking to see whether there's a difference in the French and the English between the phrase “*entreprise autorisée*” and “undertakings licensed”, because a licence and authorization to broadcast are not exactly the same thing under the Broadcasting Act. I'm trying to check that right now, Mr. Chair.

**The Chair:** Okay.

Mr. Housefather, do you want to proceed while Mr. Olsen is...?

Go ahead.

**Mr. Anthony Housefather (Mount Royal, Lib.):** Thank you, Mr. Chair.

I have a question also for the department.

[*Translation*]

I'm very sympathetic to Mr. Rayes' proposal, and understand the importance of having a percentage of French, but I preferred the Bloc Québécois' amendments on this matter, because they allowed flexibility.

[*English*]

My question for the department was this. Given the different nature of the amendments, this one, as I understand it, would require each and every online undertaking that is not licensed to only provide programming in English to provide exactly the same hours of French-language programming equal to the percentage of French-speaking people in Canada at any particular time. It would not give flexibility to the CRTC to have different rules for different online undertakings, depending on their own unique positions.

Is that a correct interpretation of this amendment?

**The Chair:** I'm assuming this is for Mr. Olsen.

**Mr. Anthony Housefather:** It's for anyone in the department who can answer.

**The Chair:** I see Mr. Ripley first, and then I'll go to Mr. Olsen.

**Mr. Thomas Owen Ripley:** Thank you for the question, Mr. Housefather.

Yes, based on what I understand the amendment to be, that is accurate.

What we understand this would do, as currently drafted, is to subject, again, all online undertakings—so all streaming services—that aren't owned by a Canadian service that only offers English services.... We can imagine that this would capture both non-Canadian services such as Netflix, but likely also services owned by, say, Bell Media, which has both French and English services, so a service such as Crave. They would all be subject to that base minimum obligation, irrespective of, for example, their penetration in the French market or other unique characteristics that they might have.

I think Mr. Rayes is certainly correct in stating that this is being framed as a minimum, and indeed, it would always be possible to go above it. This base minimum, however, would indeed apply across the board, regardless of the nature of the service.

**The Chair:** Mr. Olsen, go ahead, please.

**Mr. Drew Olsen:** Thank you, Mr. Chair.

Normally when we discuss “authorized to broadcast”, it says it's both authorized currently under a licence or under an exemption order, and this amendment only talks about “licensed under this Act”. I think there's a slight difference in this. There are programming undertakings that are exempt from the requirement to hold a licence from the CRTC now. They're typically some of the smaller undertakings, and they operate under an exemption order under section 9.

● (1320)

**The Chair:** Okay. Thank you.

Mr. Housefather.

**Mr. Anthony Housefather:** Mr. Chair, I'm sorry, but I have one more question for the department so that I better understand.

Are there indigenous broadcasters, for example, those who produce only in indigenous languages, that also have an original Canadian programming requirement for broadcasters, where the broadcasting language is other than English?

For example, I presume some broadcasts that are coming in Hindi wouldn't have an original Canadian programming format, but is there anybody else, other than English broadcasters, that provide programming in English that would have a requirement to original Canadian programming that would fall under this provision, such as an indigenous broadcaster?

**The Chair:** There were two hands up at once.

Mr. Ripley, how about we go to you first?

**Mr. Thomas Owen Ripley:** Mr. Chair, perhaps I'll pass the mike to Mr. Olsen.

**Mr. Drew Olsen:** Thank you.

Mr. Housefather, thank you for the question.

Yes, there are indigenous broadcasters that have requirements to broadcast in indigenous languages and/or in other languages such as English or French. As I read it, this amendment would basically say those types of undertakings are not ones that are providing English language only. I believe the way this is worded those online undertakings that were owned by, say, indigenous broadcasters would be subject to the requirement that is proposed in this amendment.

**The Chair:** Okay.

Seeing no further comments, we will go to a recorded vote.

Shall CPC-4 carry?

**The Clerk of the Committee (Ms. Aimée Belmore):** Mr. Waugh's connection appears to be frozen.

I think Mr. Waugh dropped off.

**The Chair:** Madam Clerk, we'll have to proceed.

(Amendment negatived: nays 7; yeas 3 [*See Minutes of Proceedings*])

**The Chair:** We now go to amendment G-4.

[*Translation*]

**Mr. Martin Champoux:** May I speak, Mr. Chair?

[*English*]

**The Chair:** Yes, Mr. Champoux, go ahead, before we get into the—

[*Translation*]

**Mr. Martin Champoux:** I would just like clarification on something before moving on.

My colleague Mr. Waugh was probably disconnected because of a technical issue. We nevertheless carried on and voted, without waiting for him to reconnect. In this instance, it did not have an impact on the outcome, given the significant gap between the yeas and the nays. However, proceeding in this fashion could jeopardize a closer division in the course of studying this bill.

We should rule now that when something like this occurs, we have to make sure that the committee member can reconnect to vote. It's very important.

[*English*]

**The Chair:** Ms. Dabrusin, I'm assuming you want to talk to the amendment and not to what was brought up by Mr. Champoux as a point of order? Is that correct? Okay.

Mr. Champoux, in considering what you just said, I'm going to rule that you're absolutely correct and just say, as an admission, that it was a bit insensitive for me to do that. I sincerely apologize to the entire committee. Maybe in the back of my mind, yes, I was thinking about expediency and also the fact that it wouldn't have made much of a difference, and that would be a prejudice of the vote and result.

Mr. Champoux, thank you so much for pointing that out. I accept that and offer my sincere apologies to Mr. Waugh, who now has joined us.

Is he there?

● (1325)

**Mr. Kevin Waugh (Saskatoon—Grasswood, CPC):** Yes. For some reason I got bumped off.

Thank you, Mr. Chair. I will vote yes, if you agree to that, but I am sorry I got bumped off. I did get back on fairly shortly after, but hopefully that won't happen again as I'm working from home.

**The Chair:** I reiterate the same as I said earlier. I will not make that same judgment again. You have my sincere apologies.

Now we move on to G-4.

Ms. Dabrusin, I believe you want to talk.

**Ms. Julie Dabrusin:** Mr. Chair, can I just have some clarity? This goes to Canadian ownership again, which is something that we've dealt with in other amendments. Just as a first question, I'd like to see if this is something that is still debatable. If it is, I'm happy to do that.

**The Chair:** Are you asking the department?

**Ms. Julie Dabrusin:** No, I'm asking you, Mr. Chair. We've already talked about and dealt with amendments on Canadian ownership, so I'm just checking, before I launch into the importance of Canadian ownership, whether this is still debatable.

**The Chair:** At first blush, yes, I think this is fine. We can certainly go ahead and debate this as an amendment. Otherwise, I would have ruled, but it's still there. Do you wish to move it? You don't have to move it if you don't wish.

**Ms. Julie Dabrusin:** I'd say no. I think we've covered this ground.

Thank you.

**The Chair:** We'll cross off G-4.

That brings us to the end of clause 2, which begs the question....

Sorry, I see some hands going up. Ms. Dabrusin, I see yours. I'm assuming you're okay.

Go ahead, Ms. McPherson.

**Ms. Heather McPherson:** Thank you, Mr. Chair.

I just want to ask my colleagues.... My understanding was that there had been some conversation around proposed subsection 4.1(1). There was some interest in having that removed from the government side. Is that still being proposed? If so, can we see what that amendment would look like?

**The Chair :** I'm sorry. Is it within the bill structure itself you're talking about? Okay.

Since you put the question out there, I'll open it up to the floor if someone wants to respond.

Ms. Dabrusin, I see your hand up. Go ahead.

**Ms. Julie Dabrusin:** Just to clarify, this was a question about whether I would be recommending that we vote down proposed section 4.1. The answer is yes. That goes to CPC-5 because that would be amending a proposed section that I'd be suggesting we pull down entirely.

**The Chair:** Moving right along, it now begs the question of finishing the clause.

Shall clause 2 as amended carry?

[*Translation*]

**Mr. Alain Rayes:** No.

[*English*]

(Clause 2 as amended agreed to: yeas 7; nays 4)

(On clause 3)

**The Chair:** According to the list, we're going to CPC-5.

I see Mr. Rayes.

● (1330)

[*Translation*]

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

The amendment begins by asking that the bill be amended by replacing line 35 on page 4 with the following:

> and reception by other users of the service, provided that such programs are uploaded by a user of the social media service that has fewer than 250,000 subscribers in Canada and receives less than 50 million dollars per year in advertising, subscription, usage or membership revenues in Canada;

The amendment also proposes amending the bill by adding after line 37 on page 4 the following:

> (1.1) This Act does not apply in respect of online undertakings that have fewer than 250,000 subscribers in Canada and receive less than 50 million dollars per year in advertising, subscription, usage or membership revenues in Canada.

[*English*]

**The Chair:** Ms. Dabrusin.

**Ms. Julie Dabrusin:** Proposed section 4.1 has created some confusion for people on whether or not social media is excluded or included, so we recommend voting against proposed section 4.1. I am recommending that because we would be making it clear that social media is included if they're acting like a broadcaster.

Since proposed section 4.1 seems to have caused some confusion, we recommend just getting rid of it altogether so that we don't have that confusion.

**The Chair:** Thank you, Ms. Dabrusin.

Seeing no further conversation or debate, we will now call for the vote.

Shall CPC-5 carry?

Ms. McPherson, I see your hand up.

**Ms. Heather McPherson:** I have a quick clarity question.

**The Chair:** I pause only because I don't know when your hand went up. It was either before I put the question, or not, but I'll give you the benefit of the doubt. Go ahead.

**Ms. Heather McPherson:** I just want to make sure I understand, because of course I'm new to all of this.

Ms. Dabrusin has put forward something that would have us take out proposed section 4.1 entirely, yet we are now voting on whether we would accept one of the changes to it. What are we voting on here? Are we voting to remove it or are we voting to amend it?

**Ms. Julie Dabrusin:** The problem is that we have this amendment before us, and it's amending proposed section 4.1, which is the part that we're proposing we vote against when it gets called. I'm voting against the amendment, because it's amending a piece of the bill that I will be voting to not be part of the bill as a whole.

I hope that clarifies it a bit. It's just that you don't want to be amending something that you're ultimately going to vote out in its entirety.

**The Chair:** Mr. Champoux.

[*Translation*]

**Mr. Martin Champoux:** I understand what Ms. Dabrusin is saying. However, at what point in the process would we vote to completely remove the entire proposed clause 4.1? Wouldn't it be easier to put forward a subamendment to amendment CPC-5 to remove proposed clause 4.1?

[*English*]

**Ms. Julie Dabrusin:** I wonder if that's a question I can put to the clerk and the chair. It seems to me that it's more of a process question, a chicken-and-egg question of which comes first.

**The Chair:** I can confer with the clerk shortly.

I'll hear from Mr. Housefather first.

**Mr. Anthony Housefather:** I just want to perhaps answer that. The amendment to a clause would come first. We would deal with any amendments to a clause and then we would vote on the clause.

If you wanted to defeat proposed section 4.1, you would vote against the clause when it came up to a vote after the amendments on the clause were dealt with. We have to deal with this amendment first, because it's on the clause. Whether it wins or loses, in the end the next vote will be on whether the clause carries or whether the clause as amended carries.

Hopefully, that answers the question.

● (1335)

**The Chair:** Thank you. I think it might.

In the meantime, just for some added exposure to this, I will ask our legislative clerk Philippe to take the floor.

Go ahead, please, Philippe.

**Mr. Philippe Méla (Legislative Clerk):** Thank you, Mr. Chair.

Mr. Housefather is quite right. The other possible solution would be a withdrawal of CPC-5 by Mr. Rayes.

Aside from that, since the vote has been called, the committee can vote on CPC-5. Regardless of the outcome of the vote, when the chair calls clause 3, if it's the will of the committee to remove proposed section 4.1 from the bill, the committee can just vote against carrying clause 3.

**The Chair:** Yes, one thing I want to point, though, Philippe, is that I didn't call for the vote on CPC-5. I went back to Ms. McPherson, because, as I said, I think she had her hand up before I called for the vote. I don't know if that changes....

Mr. Waugh, go ahead.

**Mr. Kevin Waugh:** Thank you, Mr. Chair.

This was one of the main things I brought up during testimony. We are seeing a lot of non-broadcasters going on Facebook and so on. Even now YouTube has major league baseball and yesterday offered a game with the Houston Astros on YouTube.

Could I get a ruling from the department on this, as we are actually seeing more and more former broadcasters going on Facebook. I think CPC-5 is a very important amendment I see going forth with this Broadcasting Act.

**The Chair:** We're still on CPC-5.

I'm going to go to Mr. Ripley.

**Mr. Thomas Owen Ripley:** Right now, as Bill C-10 currently stands—and as the committee is aware—it excludes social media services from the ambit of the act, unless there's a situation of an affiliation contract or a mandatary relationship in place.

CPC-5, if it was adopted—if I understand correctly the spirit of the amendment—would impose certain limitations on that to the effect that if a social media service crossed a certain threshold in terms of the users of the service, the subscribers in Canada, etc., then suddenly it would get pulled into the ambit of the act and would be subject to the act like any other broadcasters. In other words, the social media exclusion would not apply to them.

If I understand correctly from the debate that's currently taking place, as Ms. Dabrusin has signalled, the government intends to suggest the repeal of proposed section 4.1 altogether, meaning that there would no longer be any exclusion for social media services at all.

Just maybe for the benefit of the committee, in our previous sessions the committee upheld the exclusion for individual users of social media companies. In other words, when you or I upload something to YouTube or some other sharing service, we will not be considered broadcasters for the purposes of the act. In other words, the CRTC couldn't call us before them, and we couldn't be subject to CRTC hearings and whatnot.

However, if the exclusion here is removed and 4.1 is struck down, the programming we upload onto YouTube, the programming we place on that service, would be subject to regulation moving forward but would be the responsibility of YouTube or whatever the sharing service is. That programming that is uploaded, then, could be subject to things like discoverability requirements or certain obligations like that.

Again, if the way forward ultimately is to maintain the exclusion for individual users but to strike down the exclusion for social media companies, it means that all the programming that is on those services would be subject to the act, regardless of whether it's put there by an affiliate or a mandatary of the company.

I hope that helps clarify.

● (1340)

**The Chair:** Thank you, Mr. Ripley.

Seeing that we have two things going parallel with each other regarding process and content, I hope everyone is clear on both and I don't have to go back to it. We thank you for your input.

Seeing no further discussion, we go to a vote.

Should CPC-5 carry?

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** That being the only one that was put forward for that particular clause, we now go to clause 3 and a vote.

**Ms. Julie Dabrusin:** I propose that we negative on division.

(Clause 3 negatived on division)

**The Chair:** Ms. Dabrusin.

**Ms. Julie Dabrusin:** I actually realized that we weren't voting on 4.1 there.

**The Chair:** Okay.

One moment, please, folks. I'm going to have to suspend for a little bit to talk to our clerk, but before I do, Mr. Housefather, would you...?

**Mr. Anthony Housefather:** I was just going to point out, Mr. Chair, that clause 3 of the bill is 4.1.

**Ms. Julie Dabrusin:** Okay, thank you. I'm sorry about that. I just had a moment of “wrong one”.

**The Chair:** Yes, thank you for clarification. I didn't have the bill in front of me, which is what I was looking for, and I apologize. Otherwise, I would have made the ruling. Thank you, Mr. Housefather, for that. I appreciate it.

(On clause 4)

**The Chair:** We're moving on, as said earlier. We're now going to clause 4, and we're going to start with G-5.

Mr. Housefather.

**Mr. Anthony Housefather:** Thank you very much, Mr. Chair.

This amendment is simply to modify proposed paragraph 5(2)(a) to add words at the end to make 5(2)(a) consistent with what this committee has already done in earlier parts of the bill.

[*Translation*]

We'd like to add the following words, which we used previously:

> including the minority context of French and Indigenous languages in North America—and the particular needs and interests of official language minority communities;

Thank you, Mr. Chair.

[*English*]

**The Chair:** Okay. Is there any further discussion? Seeing none, we now call for a vote.

(Amendment agreed to)

**The Chair:** This now brings us to PV-16, and for those of you wondering about "PV?", it's *Parti vert,* a Green Party proposed amendment.

Before we go to Mr. Manly, just note that if PV-16 is adopted, NDP-9 cannot be moved as they are identical.

If PV-16 is negatived, so is NDP-9 for the same reason. It follows the same logic.

Also, if PV-16 is adopted, BQ-12 and G-6 cannot be moved due to a line conflict. For those of you just joining us, that means BQ-12 and G-6 would be amending something that no longer exists because it has been amended. I hope that makes sense.

Nevertheless, we're back to PV-16.

Mr. Manly.

● (1345)

**Mr. Paul Manly (Nanaimo—Ladysmith, GP):** Thank you, Mr. Chair.

The bill adds that the broadcasting system should be regulated in a flexible manner that "is fair and equitable" between undertakings that provide "services of a similar nature", taking size variations into account, but "services of a similar nature" is too vague. It would result in the CRTC, the commission, grouping together services that are different enough to warrant different regulation.

This amendment replaces the paragraph so that regulations should take "into account the nature and diversity of the services". It takes into account "their size" but also their "impact on the Canadian creative and production ecosystem".

The organization that supported this was the Coalition for the Diversity of Cultural Expressions. I hope the members of the committee will support this amendment.

**The Chair:** Mr. Champoux.

[*Translation*]

**Mr. Martin Champoux:** Thank you, Mr. Chair.

I don't have anything against the Green Party, but our amendment is much more complete, and contains much more substance that we could discuss. I therefore move that we reject amendment PV-16 and move directly to consideration of amendment BQ-12.

[*English*]

**The Chair:** Mr. Louis.

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

Not to take sides here, but the good news is that we all agree in principle. I'm looking at the NDP, the Bloc, the Greens, the government—everyone's on the same side here. After looking at the amendments, I would have to say that, personally, I do support the Bloc's amendment as well. Can we support that one even though that came afterwards? What would be the technical thing that I would have to do, to say that I support the Bloc amendment? Then we can talk about that further, or maybe ask for the guide—

**The Chair:** Mr. Louis, we have to deal with this one first. Once we've dispensed with this, then we can move on to the next one.

Mr. Manly.

**Mr. Paul Manly:** Yes, I just want to note, on the Bloc amendment, PV-24 covers the things in the Bloc amendment that are missing in this amendment. I divided out the amendments to different parts of the bill, so we're going to hit on that amendment later on, which will pick up on BQ-12.

**The Chair:** Thank you, Mr. Manly.

Mr. Louis, I'm sorry, I didn't mean to be dismissive from the beginning. I hope it wasn't perceived that way. Let me just clarify that beyond PV-16, the next one will be BQ-12. I should have added that for clarification.

Seeing no further conversation, no further debate, we now go to PV-16 for a vote.

Shall PV-16 carry?

[*Translation*]

**Mr. Martin Champoux:** No.

[*English*]

**Ms. Julie Dabrusin:** Can we just negative this?

I believe the Green Party doesn't even have a vote on this, and I haven't seen a yes.

**The Chair:** Are you asking for a no on division, Ms. Dabrusin?

**Ms. Julie Dabrusin:** Sure, just to make it go faster, basically.

(Amendment negatived on division [*See Minutes of Proceedings*])

**The Chair:** Now we go to BQ-12. If BQ-12 is adopted, G-6 cannot be moved due to a line conflict. I'm just reiterating what was mentioned earlier.

**Mr. Philippe Méla:** Mr. Chair, if I may?

**The Chair:** I'm sorry, Philippe.

This means I've done something wrong. Go ahead.

**The Clerk:** No. It's just that, since PV-16 was defeated, so would NDP-9 as a consequence, because they are identical.

● (1350)

**The Chair:** I should have mentioned that. In my own mind, I said that, but apparently, that's not for everyone else, is it? That's just for me.

You have my apologies. NDP-9 has been negatived as well. Thank you, Philippe, good catch.

Now we're back to BQ-12.

Did I see Mr. Champoux? Okay, go ahead.

[*Translation*]

**Mr. Martin Champoux:** I'm sorry. I forgot to raise my hand.

Along the same lines, amendment BQ-12 proposes that the bill be amended by replacing lines 8 to 12 on page 5 with the following:

> (a.1) takes into account the nature and diversity of the services provided by broadcasting undertakings, as well as their size, their impact on the Canadian creation and production industry and any other characteristic that may be relevant in the circumstances;
>
> (a.2) requires any broadcasting undertaking that cannot make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming to contribute to these Canadian resources in an equivalent manner;

We are therefore proposing one more paragraph than is in the previous Green Party amendment.

The objective of our amendment is to have online undertakings, when they are unable for one reason or another to make use of Canadian resources, contribute to the Canadian broadcasting system by other equitable means, to be determined by the CRTC, whether financial or otherwise.

[*English*]

**The Chair:** Ms. McPherson.

**Ms. Heather McPherson:** Thank you, Mr. Chair.

I'm wondering whether or not Mr. Champoux would be willing to accept the subamendment I'd like to propose. I'm wondering if you'd like me to do that now, or if you'd like to go to Mr. Louis first.

**The Chair:** It's entirely up to you. You can either propose a subamendment or wait and put yourself back in line again.

**Ms. Heather McPherson:** Maybe—

**The Chair:** Would you like to hear from Mr. Louis first?

**Ms. Heather McPherson:** Maybe I will.

**The Chair:** Okay.

Mr. Louis.

**Mr. Tim Louis:** In the spirit of fairness, I was going to propose the subamendment myself—it's just a small word change—so I don't know where that puts us, Mr. Chair.

**The Chair:** That puts us between the two of you.

**Ms. Heather McPherson:** This is so very polite, all of it.

**The Chair:** Mr. Louis, if I get the gist of what you're saying, you're going to put it back to Ms. McPherson for the subamendment.

**Mr. Tim Louis:** Sure.

**The Chair:** Ms. McPherson, go ahead.

**Ms. Heather McPherson:** Thank you, Mr. Chair.

The subamendment I'd like to propose is to add, in proposed paragraph 5(2)(a.1), after the words “the Canadian creation and production industry”, the words “and their contribution to the implementation of Canadian broadcasting policy objectives”, just to ensure that Canadian resources are used as much as possible for Canadian programs.

**The Chair:** Ms. McPherson, do we have this in writing?

**Ms. Heather McPherson:** I can email it to the clerk quite quickly, if that's useful.

**The Chair:** Yes, please do that.

**Ms. Heather McPherson:** I'm doing it as we speak.

**The Chair:** As you do that, or when you're finished with it, would you like to comment further on your subamendment?

**Ms. Heather McPherson:** No. I can rest at that point.

**The Chair:** Okay.

Do I see any debate or conversation regarding...?

Now we're on Ms. McPherson's subamendment.

I see Mr. Housefather.

Go ahead.

**Mr. Anthony Housefather:** I was just going to ask whether Ms. McPherson could read it out again slowly, so that we could hear it and also understand whether she was proposing to strike the words at the end of the clause as well.

Was this supposed to be interspersed before the last words of the clause? I didn't quite understand.

**The Chair:** Ms. McPherson, have you had a chance to email that yet? I'd like you to do so first, before you answer Mr. Housefather's question.

**Ms. Heather McPherson:** I have not. I am doing it as fast as I can.

**The Chair:** That's all right. If you want some time, I can introduce the members of the department. I seem to use that as a placeholder when we're looking to fill time. This is certainly no reflection on the people who come to us from the Department of Canadian Heritage.

I want to welcome Thomas Owen Ripley, director general of broadcasting, copyright and creative marketplace; Drew Olsen, senior director, marketplace and legislative policy; Kathy Tsui, who is the manager, industrial and social policy, broadcasting, copyright and creative marketplace; and Patrick Smith, senior analyst, marketplace and legislative policy.

We are back to you, Ms. McPherson.

● (1355)

**Ms. Heather McPherson:** I have sent it off to the clerk. I hope I sent it to the right email address.

Would you like me to read the entire clause, or just what I'm recommending?

**The Chair:** Read the entire clause, please.

**Ms. Heather McPherson:** Okay. It will read, "(a.1) takes into account the nature and diversity of the services provided by broadcasting undertakings, as well as their size, their impact on the Canadian creation and production industry and their contribution to the implementation of Canadian broadcasting policy objectives and any other characteristic that may be relevant in the circumstances."

**The Chair:** I'll let that sink in for a bit.

Folks, I don't want to race on without full comprehension of what's being proposed here. It's very important stuff, which is why it would be great if you could email a subamendment in advance. It would be okay if you can't; I understand. Those are our rules as well. You can do it from the floor. I appreciate that also.

I'm looking around, however, to see whether we have comprehension or a request for a copy.

Can I proceed?

Ms. Dabrusin.

**Ms. Julie Dabrusin:** I'm sorry. I'm just trying to process what all of that was.

I don't know whether the department has that wording. If they have, can they share their thoughts on what the impact is of the subamendment?

**The Chair:** I'm looking for a volunteer.

Mr. Ripley.

**Mr. Thomas Owen Ripley:** Thank you, Ms. Dabrusin.

If I understand it correctly, the subamendment by Ms. McPherson would have the impact that, as part of regulatory policy, the system should be regulated in a way that takes into account the nature and diversity of the services provided by broadcast undertakings. It's asking the CRTC to look at the nature and diversity of the services provided by broadcast undertakings, as well as their size, their impact on the Canadian creation and production industry, and their contribution—i.e., the contribution of the broadcasting undertakings—to the implementation of the Canadian broadcasting policy objectives.

The impact of it is that one of the factors the CRTC would consider in looking at the nature and diversity of the services provided by broadcasting undertakings is their impact in essentially giving effect to the policy objectives of the act.

**The Chair:** Thank you, Mr. Ripley.

I'm just trying to gauge the comfort level of comprehension once more amongst all of our colleagues here. Shall I proceed with a vote on the subamendment by Ms. McPherson?

Seeing no questions and no further conversation, we will go to the vote.

(Subamendment agreed to)

**The Chair:** We go back to the main motion, BQ-12, as put forward by Mr. Champoux.

Mr. Louis.

**Mr. Tim Louis:** Mr. Chair, I have a subamendment that I would like to propose. It is a change of one word in new proposed paragraph 5(2)(a.2).

To save everyone time, I will read the last two lines as they are currently:

> programming to contribute to these Canadian resources in an equivalent manner;

In the last line, I would like to change "equivalent" manner to "equitable" manner.

**The Chair:** Okay.

Folks, I think that's pretty straightforward. He's asking for a subamendment to proposed paragraph 5(2)(a.2) that would change the word "equivalent" to the word "equitable".

Mr. Shields.

**Mr. Martin Shields (Bow River, CPC):** Thank you.

Whether it's "equitable" or "equivalent", could we have the staff respond to how this would be evaluated? Would the CRTC then have to evaluate what's equitable?

**Mr. Thomas Owen Ripley:** Yes, Mr. Shields, it would be left up to the CRTC to determine, whether it's equivalent manner or equitable manner, what that means in practice.

That said, there is a difference between "equivalent" and "equitable" in the sense that "equivalent" really means like for like. One of the challenges that Bill C-10 seeks to address is the greater diversity of broadcasting services that we all subscribe to now. One of the challenges the CRTC will have moving forward is that it has to think about our traditional TV channels, like Global or CTV or TVA, and now it has to think about online sports streaming services or online third-language broadcasting services.

Bill C-10 seeks to establish a framework whereby we want all those services to contribute to the policy objectives of the act, but it starts from a premise that how they do so may not look exactly the same. Depending on the nature of the service, the CRTC could say that this service may need to spend a certain amount of money each year on Canadian programming. For this other service, given the nature of the service, maybe it's more appropriate that it contribute to cultural production funds like the Canada Media Fund.

If the term “equivalent manner” is used, it suggests that, notwithstanding that a sports steaming service looks very different from, say, TVA or CTV, they should contribute in exactly the same way. My view is that “equitable” manner seeks to send the message that they should make a contribution that is of equal importance in terms of contributing to cultural policy objectives, but understanding how they go about making that contribution may look different at the end of the day.

● (1400)

**The Chair:** Thank you, Mr. Ripley.

Mr. Shields, your hand is still up. Would you like to respond? Do you have anything else to add?

**Mr. Martin Shields:** No. That's good. Thank you.

**The Chair:** Thank you, Mr. Shields.

Seeing no further conversation, we'll go to a vote. This is on the subamendment by Mr. Louis regarding BQ-12.

(Subamendment agreed to)

**The Chair:** We are once again back to BQ-12.

Seeing no further conversation, we will go to a vote on the main motion by Mr. Champoux.

Shall BQ-12 as amended carry?

[*Translation*]

**Mr. Alain Rayes:** No.

[*English*]

**The Chair:** Madam Clerk, we will have a vote, please.

**Ms. Julie Dabrusin:** Can we have it carry on division?

**The Chair:** I am seeing no push-back on that.

(Amendment as amended agreed to on division [*See Minutes of Proceedings*])

**The Chair:** BQ-12 is adopted. You will notice that the next one is G-6, but G-6 cannot be moved due to a line conflict.

According to our schedule, we are now on LIB-5.

Mr. Housefather, you have the floor.

**Mr. Anthony Housefather:** Thank you, Mr. Chairman, and I see that great minds think alike because LIB-5 is essentially identical in a lot of respects to Bloc Québécois-13, PV-17 and CPC-6, so it looks like almost all the parties had the same idea, which is that we want to facilitate the provision of Canadian programs created in both official languages, including those created and produced by official language minority communities as well as in indigenous languages to Canadians. The only difference between LIB-5 and the others is that I've added, “including those created and produced by official language minority communities”, because we've included earlier in the act the reference that we want to encourage programming in both languages including from those communities.

I would hope that we have unanimous support on this because, again, it is equivalent to what we said before and it's an idea that I think all parties heard expressed from many witnesses.

Thank you so much, Mr. Chair.

**The Chair:** Thank you, Mr. Housefather.

It was substantially covered by Mr. Housefather. It bears repeating from a technical perspective. If LIB-5 is adopted, BQ-13, PV-17 and CPC-6 become moot as they contain, of course, the same provisions as LIB-5, as was just pointed out.

Is there any further conversation on LIB-5?

Seeing none, we are going to proceed to the vote.

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

**The Chair:** We now go on to NDP-10, and before we do, just a note, if NDP-10 is adopted, CPC-7 and BQ-14 cannot be moved due to a line conflict.

Ms. McPherson.

● (1405)

**Ms. Heather McPherson:** Thank you, Mr. Chair.

The purpose of this amendment is to ensure that the CRTC's supervisory and regulatory duties are not relaxed to the point of creating regulatory loopholes on the basis that a company does not make a significant contribution to Canadian broadcasting policy. The later condition is not clearly defined and for this reason we're proposing that this provision of the bill be deleted as it may constitute a regulatory loophole that could be used by broadcasting undertakings to circumvent their potential obligations, which would also constitute unfair competition to undertakings that are subject to the act.

[*Translation*]

**The Chair:** Go ahead, Mrs. Bessette.

**Mrs. Lyne Bessette (Brome—Missisquoi, Lib.):** Thank you, Mr. Chair.

I'd like to ask the departmental representatives what impact this change will have on small broadcasters. Will it result in more barriers for them?

[*English*]

**The Chair:** I'm looking at Mr. Ripley.

Go ahead, please.

[*Translation*]

**Mr. Thomas Owen Ripley:** Thank you, Mr. Chair.

Thank you for your question, Mrs. Bessette.

As the committee knows, Bill C-10 would add this paragraph to the act by creating a new class of broadcasting undertakings: online undertakings. Many undertakings are thus concerned here. Since the definition of online undertaking includes undertakings that provide audio and audiovisual services, if the provision is adopted, it will therefore embrace a large number of businesses.

[*English*]

In recognizing that Bill C-10 is enlarging the responsibilities, enlarging the scope of the act and the responsibilities of the CRTC, this provision of the bill was included to signal that the default stance of the CRTC should not be to regulate every little online undertaking that's in the business of offering audio or audiovisual services to Canadians, but rather that the goal here is to capture those services that are in a position to make a material contribution to the policy objectives of the act.

In the current conventional world there's a finite number of services that are offered either over the air or on cable or satellite, so there was a very closed environment. We're very mindful that in Bill C-10 what we're doing is enlarging the CRTC's responsibility to include Internet undertakings and the government's view on that is that there should be a judgment call made about when those services are subject to the regulatory requirements that come with Bill C-10. That's why this provision is included then in Bill C-10.

**The Chair:** Madam Bessette, did you want to talk again? Your hand is still up.

**Mrs. Lyne Bessette:** I'm good. Thank you.

**The Chair:** Ms. McPherson.

**Ms. Heather McPherson:** I just wanted to follow through. This is not intended to make it harder for smaller players because that's not been defined. It's actually to prevent the loophole that is created for the bigger players, I think.

● (1410)

**The Chair:** Seeing no further conversation, we will now go to a vote on amendment NDP-10.

**Ms. Julie Dabrusin:** Can it be negatived on division?

(Amendment negatived on division)

**The Chair:** We go now to amendment CPC-7.

Mr. Rayes.

[*Translation*]

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

Here's what the amendment would add:

> (i) recognizes that market forces, competition and the growing choice of programming made available over the Internet are contributing to achieving the broadcasting policy objectives set out in subsection 3(1);
>
> (j) encourages all forms of competition to ensure that high-quality and innovative programming is made available to Canadians using the most effective technologies available at reasonable cost; and
>
> (k) ensures that regulation is necessary, efficient and proportionate to its purpose.

That's it.

[*English*]

**The Chair:** Do we have any further conversation?

Ms. Ien.

**Ms. Marci Ien (Toronto Centre, Lib.):** Thanks so much, Mr. Chair.

For me, it's really about keeping the spotlight on the cultural aspect of this. When it's all said and done, the Broadcasting Act should really be a cultural piece, not an economic one. It's not necessarily the point that if a company brings profitability to this that they are upholding culture. I think that culture is important here.

**The Chair:** Seeing no further debate, we will go to a vote on amendment CPC-7.

(Amendment negatived: nays 7; yeas 4)

**The Chair:** That brings us to amendment BQ-14.

Mr. Champoux.

[*Translation*]

**Mr. Martin Champoux:** Mr. Chair, having discussed the matter with various persons, I propose to withdraw amendment BQ-14.

[*English*]

**The Chair:** That's all right, Mr. Champoux. It hasn't been moved yet, so it will be deemed as not being moved.

That brings us to amendment LIB-6 on page 61.

Mr. Housefather.

**Mr. Anthony Housefather:** Thank you very much, Mr. Chair.

I want to start by congratulating all of the parties on the work we have already done to bolster both official languages under the act, whether they are minority language communities, French across Canada or indigenous languages. This amendment is one that speaks of a right to consultation.

We heard from many of the participants from official language minority communities that decisions of the CRTC had very negative impacts on them and they were never consulted on those decisions.

● (1415)

[*Translation*]

The CRTC has a duty to support the development of official language minority communities. However, as some of its decisions may have a harmful impact on those communities, I want to introduce a right to consultation for them. That's a request that they made. Some CRTC decisions have had very negative effects on those communities, which have not had a say in the decisions that were made.

I believe this is a good step forward. We should consider this aspect not only in the present circumstances, but also when we proceed with the reform of the Official Languages Act later this year.

I repeat that I'm extremely grateful to all my colleagues for their cooperation on all the amendments we've brought to date on the two official languages and language communities in Canada. I hope this amendment also receives the committee's support.

Thank you, Mr. Chair.

**Mr. Martin Champoux:** Mr. Chair, I find the intent behind this amendment entirely noble and laudable. However, from the standpoint of its feasibility, my impression is that we're undertaking an extremely complicated process.

Taking the time to consult is a very good idea, but we already have hearings for that purpose. Generally speaking, the CRTC consults people in various circumstances. Consequently, I don't see any need to add an obligation to consult the official language minority communities. First of all, I wonder how we can determine who the official representatives of those communities are. In short, I feel that the proposed addition would enormously complicate the CRTC's work without really achieving a conclusive result.

I'd like to know the opinion of the departmental experts on this point. I'd like them to enlighten me on the way this could be put into practice without unduly complicating the CRTC's process.

**Mr. Thomas Owen Ripley:** I'll begin with a few remarks on the amendment, and then my colleague Ms. Tsui may wish to comment.

As you know, as a federal institution, the CRTC is already subject to the Official Languages Act and required under certain provisions to conduct consultations as part of the process.

The purpose of Mr. Housefather's proposal, as I understand it, is to add consultation obligations to the Broadcasting Act. As a result, if the proposal is adopted, the CRTC will be required to meet some obligations under the Official Languages Act and others under the Broadcasting Act. Those obligations may be consistent with each other, but there may also be imbalances.

Perhaps Ms. Tsui wishes to add to my comments.

**Ms. Kathy Tsui (Manager, Industrial and Social Policy, Broadcasting, Copyright and Creative Marketplace Branch, Department of Canadian Heritage):** First of all, I see that the expression "necessary measures" in new section 5.1 doesn't appear in the Official Languages Act, which refers to "positive measures." Consequently, I'm afraid this amendment may create a conflict between the two requirements to which the CRTC would be subject.

● (1420)

[*English*]

Because the term “necessary measures” doesn't appear in the Official Languages Act, which also applies to the CRTC, there may be a conflict in terms of what the level of requirement would be for that organization.

I would also point out that the Official Languages Act is currently being modernized, and there are proposals under way to clarify in regulation how consultations should occur. I do worry that if we are prescriptive about what the CRTC should do in terms of consultation, that might be problematic and might enter into conflict with future regulations that are put in place.

**The Chair:** Go ahead, Mr. Shields.

**Mr. Martin Shields:** I've heard some interesting words here. When we talk about consultation, I don't think we're talking about prescriptive. I'm just saying they should listen to somebody. I don't find this prescriptive, and I don't know where the imbalance is in having people listen to people with legislation that might affect them.

Unless somebody can suggest to me how this is prescriptive by asking them to listen to people.... It doesn't say how to consult. It just says they should do some consulting with people. I'm having a hard time finding that very prescriptive or unbalanced, unless somebody can clarify it for me, because I'm not there.

**The Chair:** Ms. McPherson, go ahead.

**Ms. Heather McPherson:** I believe Ms. Tsui was going to respond. I'll wait to hear from her first.

**The Chair:** Ms. Tsui, go ahead, please.

**Ms. Kathy Tsui:** You're right. The requirement to consult is a very noble and honourable one and one that, as public servants, as the government, we should be taking on board.

The concern here is that this motion, as I understand it, would require the CRTC to consult on every regulation that it puts forward. The CRTC puts forward a lot of regulations, and regardless of whether or not the regulation would apply to OLMCs or have any kind of impact on the official language minority community, the CRTC, with this amendment, would be required to consult those communities. That's part of the prescriptiveness here.

I would also point out that there are a few terms here that could be kind of subjective. For instance, what does it mean to “meaningfully consider”? What does it mean to “openly” consult? There are some nuances here that are not spelled out.

**Mr. Martin Shields:** Mr. Chair, just a follow-up question—

**The Chair:** Wait one second, Mr. Shields.

I'm going to get you to follow up, but I have to go to Mr. Housefather first.

**Mr. Anthony Housefather:** Thank you very much, Mr. Chair.

I think what Mr. Shields said is correct. This is not prescriptive. This is a requirement to consult. If there are certain parts of the way this is worded that cause issues because of the inconsistency that has been pointed out, I'm perfectly prepared to support amendments to remove those. For example, in paragraph one, what I understand is that the words I've added, “shall take the necessary measures to enhance the vitality of official language minority communities” cause a problem because the “take the necessary measures to” changes the original wording from the Official Languages Act “the commission shall”, requiring them to enhance the vitality of official language minority communities, so we could just remove the words “take the necessary measures to”—if somebody wanted to amend that—and just say “the commission shall enhance the vitality of official language minority communities and support and assist in their development.”

As for the second paragraph, I understand the concerns about the broadness when making regulations under the act. I think it would be totally fair to amend the next proposed subsection, 5.2(1), to say, "The Commission shall consult with official language minority communities when making decisions that would adversely affect them" and remove the words "when making regulations under this Act".

The duty to consult would only apply when the CRTC was making a decision that could adversely affect the minority communities. Perhaps somebody who's allowed to do that, like Ms. McPherson, whom I see is coming up next, could perhaps propose that as an amendment to this. I'd totally be prepared to accept that.

I think it is fair to ask for a duty to consult when we know that there's been prejudice caused in the past, and there's no reason that we shouldn't take steps in the Broadcasting Act to inspire those who are amending the Official Languages Act to make the same types of duties to consult. I understand the need for some amendments. I will accept them and happily so, but I think that, with those amendments, this should be accepted.

Thank you very much, Mr. Chair.

● (1425)

**The Chair:** Before I go to Ms. McPherson—I'm trying to follow the dots here in this conversation—it seems to me that maybe we should go to Mr. Shields first for clarification.

Mr. Housefather mentioned amendments. I think he meant subamendments.

I'll go over to you, Mr. Shields.

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

If Ms. McPherson wants to make those subamendments, that would be great. If she doesn't, I will.

**The Chair:** I see.

Ms. McPherson.

**Ms. Heather McPherson:** I'm happy to have either Martin or I do it, but I have them right in front of me, so can I propose the following subamendments?

**The Chair:** Madam, that is entirely up to you. The floor is yours.

**Ms. Heather McPherson:** I always want to sound like I'm being very co-operative, Chair. That's all.

**The Chair:** Duly noted.

**Ms. Heather McPherson:** Thank you.

I propose that new proposed section 5.1 would read as follows: "In regulating and supervising the Canadian broadcasting system and exercising its powers under this Act, the Commission shall enhance the vitality of official language minority communities and support and assist their development."

I also suggest that new proposed subsection 5.2(1) be amended to read as follows: "The Commission shall consult with official language minority communities when making decisions that could adversely affect them."

Those would be my subamendments.

**The Chair:** In the second one, you're going straight to "when making decisions that could adversely affect them". All right.

Rather than go through a longer period of time in deliberation, may I ask you, Ms. McPherson, just so that everyone is clear, to repeat them again slowly?

**Ms. Heather McPherson:** Absolutely.

**The Chair:** I don't think there's enough here that we have to email it and so on and so forth. If you could do that again, that would be great.

**Ms. Heather McPherson:** This would be new proposed section 5.1: "In regulating and supervising the Canadian broadcasting system and exercising its powers under this Act, the Commission shall enhance the vitality of official language minority communities and support and assist their development."

The second one would be new proposed subsection 5.2(1): "The Commission shall consult with official language minority communities when making decisions that could adversely affect them."

**The Chair:** Colleagues, are there any points of clarification before we go to a discussion?

Again, I'm trying to avoid having a longer process. Maybe I'm defeating the purpose with my own words.

Nevertheless, is everyone clear on the subamendments to 5.1 and 5.2(1)?

Mr. Louis.

**Mr. Tim Louis:** I have a quick technical question, Mr. Chair. One vote would cover both of those. Is that correct?

**The Chair:** Yes. There's one subamendment vote regarding both of those changes. Then we go back to the main motion, whether amended or not.

Seeing no further discussion, I will take this as full comprehension of what was proposed. Let's go to a vote.

(Subamendment agreed to)

**The Chair:** We go back to the main motion.

Again, just for keeping track, this is LIB-6. This is the amendment by Mr. Housefather.

We will go to a vote.

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

**The Chair:** Dare I sound biased for just a moment? That was a good discussion, folks. That's what law-making is all about.

We'll now call the vote on clause 4....

I'm sorry, Mr. Rayes. Go ahead.

● (1430)

[*Translation*]

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

I was waiting to request a health break because I thought we'd be proceeding much more quickly. Once we've finished voting on clause 4, would it be possible to have a two- or three-minute health break? I could use one, but I wouldn't want to miss the discussion.

I apologize for waiting so long to request a break, but I thought our business would proceed more smoothly. I was waiting until we had at least finished deciding on this clause before requesting a break.

[*English*]

**The Chair:** I should apologize as well, Mr. Rayes. I forgot to mention off the top that if you want a health break, please request it. Otherwise, I'm just going to go through.

Mr. Rayes wants a health break. Let's do that.

[*Translation*]

**Mr. Alain Rayes:** The break would be after the vote, Mr. Chair.

[*English*]

**The Chair:** Okay, let's do that after the vote.

Shall clause 4 as amended carry?

[*Translation*]

**Mr. Alain Rayes:** On division.

(Clause 4 as amended agreed to on division)

[*English*]

**The Chair:** Now, without further ado, we'll have a health break. Please be back within five minutes.

We are suspended.

● (1430)

_____(Pause)_____

● (1435)

**The Chair:** Once again, we're doing clause-by-clause on Bill C-10. I won't get into the details about all this. If you've been following along, you know how this works. We're going to go right to new clause 4.1.

The first one up is G-7, put forward by Ms. Dabrusin.

Ms. Dabrusin, are you with us?

**Ms. Marci Ien:** Mr. Chair, I'm taking this for Ms. Dabrusin.

**The Chair:** Okay.

Ms. Ien, go ahead.

**Ms. Marci Ien:** Yes, it's a new clause, and that is because we live in a new world and it is a digital one. This clause is adding apps. Right now, the CRTC can regulate conventional channels. This would make sure that apps are regulated as well—things like Crave and other apps, for instance.

This clause is also about discoverability, and I'd like to go to the department for further clarification on why that's important.

**The Chair:** Do I see any volunteers from the department?

Mr. Ripley.

**Mr. Thomas Owen Ripley:** You have my apologies, Mr. Chair, but could we have a little bit of clarity about what motion is under discussion currently?

● (1440)

**The Chair:** Right now, we're discussing G-7, which is on page 63 of the package. I don't know if you have that or not.

**Mr. Thomas Owen Ripley:** Thank you, Mr. Chair.

I believe there may be a bit of a disconnect then in terms of Ms. Ien's statements and G-7.

G-7 is intended to clarify that policy direction that can be issued by the Governor in Council to the CRTC. It would include giving direction of general application with respect to orders issued under 9.1 or regulations issued under 11.1.

There seems to be some confusion among stakeholders following the tabling of Bill C-10, whether it would be appropriate for the government to give an indication about the way that those powers should be used. G-7, Mr. Chair, is intended to clarify the scope, as long as it still remains at a level of general application. We're not talking about interfering in specific decisions. Rather, the expectation is that the CRTC would ensure certain kinds of discoverability or certain kinds of contributions from certain types of players, and that would be appropriate.

I apologize if I've missed something, Mr. Chair, but that is my understanding of what's intended by G-7.

**The Chair:** Ms. Ien, I see your hand up.

**Ms. Marci Ien:** Thank you to Mr. Ripley for clarifying. I skipped to G-8. I waxed poetic on G-8 and not G-7. That was my mistake.

Thanks for the clarification, Mr. Ripley.

**The Chair:** All right.

Is everybody clear on that? We're still on G-7.

Seeing no further conversation....

Ms. Dabrusin, go ahead.

**Ms. Julie Dabrusin:** Thank you for that.

I think we need to subamend this to put it into the past tense. I have to pull up the wording to see exactly how that looks, but that would be the proposed subamendment.

**The Chair:** All right. Do you want to take some time with that wording right now? I can give you a minute, but I'm going to be pretty strict though.

I may have a typo here in my annotated notes, so I may have to call Philippe to clarify something anyway.

Nevertheless, Mr. Housefather, do you want to go ahead?

**Mr. Anthony Housefather:** Yes, Mr. Chairman. I'd just move to amend the amendment, to change the words “making of orders” to “orders made”. Basically, under proposed section 7.1, at the end of the second sentence, it says, “making of orders”, and we'd propose to change that to “orders made”.

**The Chair:** All right. I think that's quite straightforward, everyone. Don't you think? That would be G-7. Instead of “making of orders” on the second line to the third line, we're going to say “orders made” in 7.1.

Is there any further discussion? Seeing none, we will now go to a vote. This is a vote on the subamendment from Mr. Housefather that you have just heard.

(Subamendment agreed to: yeas 7; nays 4)

**The Chair:** Now we'll go back to the main motion, G-7 as amended.

Is there any further conversation or debate?

Mr. Housefather.

● (1445)

**Mr. Anthony Housefather:** Mr. Chair, when previously making the other subamendment, I realized that I was inconsistent in not making the same amendment to the words “or the making of regulations”. It really should be “or regulations made” and I erred in now creating an inconsistency in the clause. My request would be a subamendment of “the making of regulations” to say “regulations made”, in the past tense. Again, I apologize for not doing this at once in one subamendment.

Thank you, Mr. Chair.

**The Chair:** That's quite all right, sir.

Before we go to the vote, we now have a further subamendment. I don't think we need to do anything formal. I can repeat it from here.

As Mr. Housefather pointed out, given the last subamendment that was accepted, this is another subamendment to say “regulations made”, on the second last line, instead of “making of regulations”. Does everyone understand that?

Seeing full comprehension, is there any conversation or debate? No.

We will now go to a vote on the subamendment from Mr. Housefather regarding G-7.

**Mr. Anthony Housefather:** Mr. Chair, can we say it's carried on division?

(Subamendment agreed to on division)

**The Chair:** Now we will return to G-7, as amended, from Ms. Dabrusin. Again, I will just remind you that's on page 63 of your package, G-7.

Is there any further discussion? There being none, we will now go to a vote.

(Amendment as amended agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

**The Chair:** Folks, I beg your patience. If you could just give me 30 seconds to contact Philippe, I will be back with you in very short order.

Thank for your patience. You've been so kind to me.

Let us move on from amendment G-7, which we've just adopted and by which we carried new clause 4.1. We now move on to clause 5, for which there are no amendments.

(Clause 5 agreed to)

(On clause 6)

**The Chair:** We will deal with PV-18. If PV-18 is adopted, then BQ-15(N) cannot be moved due to a line conflict.

I hope you've all received the newer version of BQ-15. It is now titled as BQ-15(N).

On PV-18, we'll go to Mr. Manly.

● (1450)

**Mr. Paul Manly:** Mr. Chair, the bill replaces seven-year licence terms with terms that are indefinite or fixed by the CRTC. This amendment maintains the current seven-year maximum licence term. It enables the CRTC to amend the licence on its own initiative without needing application from the licensee. A term setting the duration of a licence is necessary to ensure predictability of conditions for all players in the system.

The amendment has been supported by the Coalition for the Diversity of Cultural Expressions, the Société des auteurs de radio, télévision et cinéma and Forum for Research and Policy in Communications.

I hope the committee members will support this amendment.

**The Chair:** Mr. Louis.

**Mr. Tim Louis:** Mr. Chair, I was hoping I could get some clarification from the department. My understanding is that this amendment would actually return to the seven-year licensing system that we were trying to get away from. As mentioned before, more and more of these companies are online undertakings.

Can the department comment on that?

Mr. Ripley has his hand up already.

**The Chair:** Mr. Ripley.

**Mr. Thomas Owen Ripley:** Thank you, Mr. Chair.

What Bill C-10 seeks to do is a shift. As the committee is aware, right now the majority of services are subject to licences where there are conditions baked into those licences. As part of permission to operate a TVA channel or a CTV channel, those services are required to contribute to the cultural policy objectives of the act.

What Bill C-10 does is it moves away from those cultural policy contributions being part of the actual licence fee, the technical permission to operate and use a spectrum or to operate your cable or satellite service. What it does is it equips the CRTC to issue orders and regulations that will prescribe those contributions.

The intention there is so that online undertakings and conventional services are being treated in the same way, in the sense that they're subject to the same kind of instrument in terms of the things that outline those obligations.

What that means in practice is that the licence moving forward would simply be nothing more than the authorization to run that service over a particular band of spectrum or whatnot. It's for that reason that Bill C-10 proposes moving away from the seven-year term. The seven-year term used to be important because it was an opportunity for the CRTC to revisit the contributions that a service might have to make supporting Canadian program or French-language programming or showcasing Canadian content, but that's no longer the case. The government's view is that it doesn't make sense to force the CRTC to revisit a licence every seven years because it's not going to be in question whether CTV Toronto can continue to operate and use that band of spectrum. If ever there does need to be changes in terms of spectrum allocation and the authorization to operate, the CRTC has the ability to revoke a licence or look at a licence or amend a licence if it needs to.

I hope that helps clarify.

● (1455)

**The Chair:** Mr. Champoux.

[*Translation*]

**Mr. Martin Champoux:** I'd like briefly to discuss the following amendment, amendment BQ-15, under which licences would be issued for terms not exceeding seven years and a registration system would be established for online undertakings. I don't want to debate amendment BQ-15 immediately, but, given Mr. Ripley's previous answer, I'd like to ask how the CRTC can ensure that conditions are met if there are no registration or licensing categories for all broadcasting undertakings.

How can it ensure that conditions are met? How can conditions be set based on the categories and the nature of the broadcasting undertakings?

**Mr. Thomas Owen Ripley:** Thank you for that question, Mr. Champoux.

We've made two comments on that point.

First, if an undertaking fails to meet its obligation to contribute to the system, the CRTC currently has authority to revoke its licence. However, we know perfectly well that, in the current circumstances, the mere possibility of revoking a licence isn't a very balanced way of taking action against undertakings that fail to comply with the act. That's why Bill C-10 would grant the CRTC authority to assess administrative monetary penalties. The CRTC could therefore impose such penalties if an undertaking failed to discharge its obligations.

As regards the registration system, Bill C-10 would grant the CRTC regulatory authority to ensure that undertakings register with it. That's provided for under proposed paragraph 10(1)(i), if I'm not mistaken. It's provided that the CRTC would have that power for the reasons you mentioned.

[*English*]

**The Chair:** Thank you.

Before I go to Mr. Shields, I just want to give notice to everyone that this will be the last one we'll deal with today, as we are now closing in on that magic time when we have to cease.

Mr. Shields.

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

I appreciate the department's discussion of this particular piece. The understanding is that there is just a renewal process of a specific spectrum.

Let's get back to the idea of the licence that they may have had. During those seven years, were there times that you can tell us about that the CRTC would revoke a licence rather than wait for the seven-year automatic review of a licence.

Are they using that power now whereby they can revoke it? On what basis would it have been brought to them to consider doing so?

● (1500)

**Mr. Drew Olsen:** Thank you, Mr. Shields, for the question.

The CRTC rarely revokes a licence. It would do it for reasons of non-compliance.

The most recent case I remember was not that long ago. A radio station near Montreal. CJMS Saint-Constant had its licence revoked following a public hearing, and it was over repeated instances of non-compliance. The commission also revoked some licences for Aboriginal Voices Radio when it felt that over a period of more than a decade, there had been repeated non-compliance.

The commission has in the past, then, used this power, but it has been used fairly sparingly. Most licences are renewed.

**The Chair:** Is there any further conversation on amendment PV-18?

Mr. Waugh.

**Mr. Kevin Waugh:** Thank you, Mr. Chair.

During the testimony of the CRTC, the chairman, Mr. Scott, mentioned that he'd like to go to the Treasury Board to get more money if this bill passes, as they're going to need more resources.

I am concerned with the extra workload put upon the CRTC. I can see why they do not want a seven-year window for licence renewal. At the same time, I have witnessed in my 40-plus years of broadcasting that many stations coast to coast violate, almost in year two or year three of the agreement, certain conditions of their broadcasting licence.

I am a little concerned about this. I just want to point out that CRTC does not follow up, in my estimation. Once they stamp the licence of a station, very rarely do they ever follow up to see whether the station is actually going by the guidelines of their broadcasting licence.

**The Chair:** Do we have any further conversation on proposed amendment PV-18 as moved?

Mr. Manly.

**Mr. Paul Manly:** Yes. I want to second what Mr. Waugh has said. The review process is when you have to document everything for the CRTC and actually prove that you have done what the licence requires you to do. Otherwise, you're in a complaint-driven process in which complaints might or might not be heard, but there is no comprehensive review of whether broadcasters are actually following through on what they said they would do.

**The Chair:** Thank you, Mr. Manly.

Am I seeing anyone else for debate or conversation?

Seeing no one, we're now going to proceed to a vote on amendment PV-18.

**Ms. Julie Dabrusin:** Can we negative it on division?

(Amendment negatived on division [*See Minutes of Proceedings*])

**The Chair:** That brings us to a conclusion for today. I know you're sad, but don't be sad. We'll all be back again on Monday, all fresh to go at it again.

When we do, incidentally, we will be doing amendment BQ-15(N), and "N" of course signifies that it's a newer version of BQ-15. BQ-15(N), then, is what you're looking for and what we will start with.

Seeing no other conversations....

Does anyone want a parting remark?

**Mr. Martin Shields:** Have a good weekend.

[*Translation*]

**The Chair:** Yes, ladies and gentlemen, have a good weekend.

Goodbye.