



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

43rd PARLIAMENT, 2nd SESSION

Standing Committee on Canadian Heritage

EVIDENCE

NUMBER 028

Friday, April 30, 2021

Chair: Mr. Scott Simms



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• (1305)

[English]

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

This is meeting number 28 of the House of Commons Standing Committee on Canadian Heritage.

Pursuant to the order of reference of Tuesday, February 16, the committee resumes its 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.

We are doing this, of course, virtually—

Ms. Rachael Harder (Lethbridge, CPC): Mr. Chair, I wish to move a point of order. It has come to my attention that this committee was provided with a charter statement from the Minister of Justice, and that this charter statement was prepared on the bill based on its original form on November 3.

At that point in time, our party was largely in favour of making the proposed amendments to the Broadcasting Act and other acts in order to modernize them and create a level playing field between streaming services like Netflix and the Canadian broadcasters, and the justice minister's charter statement was in good standing. However, that was before the bill was amended, and as you know, there are some significant changes that have since taken place.

One of the things that was stated in the justice minister's charter statement was that, and I quote, “clause 3 would specify that the Act does not apply in respect of programs uploaded by unaffiliated users [for example, you and me] to social media services for sharing with other users, and in respect of online undertakings whose only broadcasting consists of such programs.”

When the bill was amended, however, to remove clause 3—the portion that I just read his opinion on—the entire scope of the bill was changed. Given that the entire scope of the bill has now changed with the removal of that clause, the statement no longer stands as accurate.

Last Friday, those changes were made, taking away the protection for individual users—again, such as you and me—for the things we post on Facebook, the things we post on YouTube, the things an aspiring artist posts and the cat video that my grandmother posts in order to share with her friends and engage with them. When this change was made, it removed the protections that were once offered to individuals who use these platforms.

The Chair: Ms. Harder, just one second. I appreciate the recognition of the content that you're providing here with the removal of the clause.

Can you get a little more specific about how this is counter to—

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

The removal of proposed section 4.1 from Bill C-10 fundamentally changes the legislation and dissolves the ground on which the charter statement stood to justify charter compliance. Therefore, the original charter statement should be considered null and void if this committee wishes to do due diligence. Therefore, I would propose to you that we need a new charter statement from the justice minister, based on the transformational edit that was done on Friday.

Mr. Chair, I believe this is extremely important, because it's about protecting Canadians and their freedoms.

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

The Chair: Ms. Harder, could I get you to summarize what you're reading right now, very quickly, so that I can go to Ms. Dabrusin? It sounds like you're going into the arguments on the content of what you're talking about. I need you to, again, be specific as to the point you're trying to make. I assume you're trying to withdraw or cease what we're doing right now. Is that correct?

Ms. Rachael Harder: No, I'm not. If you'll just oblige me for a moment here, I need to outline my case, and then I am happy to summarize or to conclude.

The Chair: Very quickly, please.

Ms. Rachael Harder: At the end of the day, this is about Canadians. This is about standing up for their charter rights and freedoms. I understand that this committee wishes to get to clause-by-clause. However, I believe that in the best interests of Canadians and respecting their charter rights, the bare minimum we can do is to take the next three minutes and allow me to explain why this is of such crucial importance.

Protecting Canadian's rights and freedoms and making sure—

The Chair: Hold on, everyone, one moment.

Ms. Dabrusin, I'm going to let you step in. Go ahead.

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

We are midway through a clause-by-clause, and in this virtual world, it's a little different from when we normally do it. We would be through it quite a bit more quickly, but we are still midway through in this clause-by-clause process. I am not sure what this member is seeking to bring forward, but don't believe she has clearly stated what she wants to do. At this point, it seems that it is putting the cart ahead of the horse, as far as what we're working on.

The Chair: I'll go to Mr. Rayes.

[Translation]

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

To follow up on the remarks of my honourable colleague, Ms. Dabrusin, I feel that Ms. Harder has the privilege of speaking in committee and that she has something important to bring to our attention. As we see it, both the Canadian Charter of Rights and Freedoms and freedom of expression itself were cast aside when the committee adopted an amendment to the bill to eliminate a section that it was proposing to add to the Broadcasting Act.

I feel that Ms. Harder deserves a few minutes to express her point of view and to tell us what she wants to propose. The least we can do as a committee is to listen to her arguments and then decide together. Mr. Chair, if I may, she has a perfect right—

[English]

The Chair: Mr. Rayes, I'll get to her point, but I have to move on from you in order to do that. I see what you're saying.

Before I go back to Ms. Harder, I have a question.

Were you about to move a motion?

Ms. Rachael Harder: Mr. Chair, I will be seeking support from the committee.

The Chair: Well, I can't do that on a point of order. The Standing Orders state that you may bring a point of order and then tell the committee why we're out of bounds, as it were. Within that, according to the Standing Orders, I'm just going to pre-empt by saying that you can't move that motion or seek the permission of the committee, as you say, within the realm of a point of order, which is what you're doing. That's why I want you to get to the reason we're going outside of the rules of this particular committee.

Go ahead.

Ms. Rachael Harder: Mr. Chair, thank you. I understand that it is your perspective. Perhaps in just a moment you can confer further with the clerk.

I would like to outline context for the request I'm going to make to the committee, and I believe it is appropriate for me to do so on a point of order.

The Chair: How about I confer with the clerk first, and then I'll come back to you?

Ms. Rachael Harder: Mr. Chair, I respect your request. However, you don't yet know what my request is, so if I could continue outlining the context, as is my privilege as the member of Parliament for Lethbridge and as a current member of this committee—

The Chair: I understand what your privileges are, Ms. Harder, but the thing is, on a point of order.... You're going to describe now, I'm assuming, why you raised this point of order and why we're outside the realm of the rules standard to the procedures of committee.

Go ahead.

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

Mr. Chair, the original intent of this legislation was to modernize the Broadcasting Act. However, by removing this clause 3 of Bill C-10—the proposed new section 4.1 of the act—there's a significant difference in what this is now, and I would argue that it potentially impedes upon the freedoms of Canadians that are granted under section 2(b) of the Canadian Charter of Rights and Freedoms.

Social media platforms are the new public square. That's where people engage in conversation.

The Chair: Sorry, Ms. Harder, this is the third time now. I'm trying to give you as much latitude as I can, but we're arguing about content on which a vote has taken place. There are ways by which you can move a motion and seek consent.

Are you asking to revisit something that was done previously in this committee? May I ask that?

Ms. Rachael Harder: Mr. Chair, I understand the desire to rush through. I understand the desire of the members of the governing party to move this through as quickly as possible, and I understand that there is an attempt to squelch my voice right now.

I would ask to be given the opportunity to speak and to make the points that are appropriate to make at this point in time, and then to seek the committee's support.

The Chair: Ms. Harder, I'm not trying to squelch you. I could have cut this off a long time ago. I'm just trying to get to the point here, because you called up a point of order, and as chair I have to make this flow the way it should, as given to us by the Standing Orders.

I'm trying to figure out.... If you want to do a motion as such, there's a place to do that, but when you bring up a point of order....

I see you, Ms. Dabrusin. Did you want to respond?

Ms. Julie Dabrusin: No. I simply wanted to say that it has veered into debate, and I just wanted to—

The Chair: Okay. Sorry, Ms. Dabrusin, but I don't want to further that debate.

Ms. Harder, now that I've heard what you.... I think I know where you might be going. I'm assuming that in this particular case, I repeat, you want to revisit something that's already been addressed by clause-by-clause here. Is that correct?

Ms. Rachael Harder: Mr. Chair, I appreciate your patience. What I would like to do is seek unanimous consent to move the following motion.

The Chair: I'm sorry, Ms. Harder. I can't let you move a motion in the middle of a point of order, but, for the sake of fairness, here's what I'm going to do. I'm going to suggest something, but I have to confer with the table staff before I do that, okay? How about I do that first, as you mentioned earlier, as you recommended? I will be as quick as I can, and we'll come back and reconvene.

Now I know that you wish to propose a motion. You're seeking unanimous consent. I'm going to come back to you and see what I can do on that particular ruling.

Ms. Rachael Harder: Mr. Simms, if I may, very quickly, as you go and approach the clerk to confer on this, I would contend that there is a significant issue here with the removal of the proposed section 4.1 in this legislation, and we must do our best as members of this committee to contend for Canadians and their freedoms.

The Chair: Okay, Ms. Harder. I have no doubt that we'll address that. I appreciate that; I really do, but I have to go now and try to figure out how to fit what you want to do within the confines of the Standing Orders of the House of Commons, so please, if I could just suspend for a few moments, I'll come back to you with the appropriate way of doing this, as you wish to do.

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

The Chair: All right, folks, we're going to suspend for a few minutes. I'll be back shortly.

• (1315) _____ (Pause) _____

• (1330)

The Chair: Hello, everyone, and welcome back to this meeting.

I want to apologize to those listening abroad to this webcast. We had some technical difficulties as we went down. These seem to be fixed, and everything seems to be okay. We'll keep you posted.

Ms. Harder, I may have a suggestion for you. The reason I couldn't let you expand on the points you were making is that in the beginning you put up your hand and I asked whether you were on a point of order. You said yes, and we moved from there, so this is probably as much my fault as yours.

That being said, if you wish to bring up the points that you wish to make, you may proceed when these proceedings and the debate begin.

I'm going to call for amendment G-10, which reminds me to tell everyone, don't forget about the "raise hand" function on the side, because it makes life a lot easier for me and everyone else technically. Also, let's not try to talk over each other. Because of interpretation, it makes life extremely difficult, and also for our folks at Hansard it makes it very difficult.

Ms. Harder.

Ms. Rachael Harder: Thank you, Mr. Chair. If you look to page 1064 of the fabulous green book we have that guides the procedure in these things, you will see a section that outlines the protocols with regard to unanimous consent.

It's my understanding that I have the ability to seek unanimous consent to move a motion, and if I'm granted that unanimous consent, then I am able to move a motion during a point of order.

I would wish, then—

The Chair: One moment, please. Just nod in my direction if I'm getting this right.

You can seek unanimous consent on a point of order to proceed with your motion. This is what you're asking.

You can do that, or you can withdraw your point of order and then we can launch into amendment G-10, concerning which I would advise you to raise your hand at that point, if you wish to discuss what you wish to discuss.

I'm not playing; I'm just trying to make things easier for you, because I know you want to get your opinion in.

Do you wish to withdraw your point of order, or do you want to seek unanimous consent to proceed with a motion within your...?

I'm sorry. To be very clear, what I'm saying to you is that you can withdraw the point of order and we can begin debate, for which you could be recognized from the floor.

Ms. Rachael Harder: If we begin the debate and I am recognized from the floor, it is within the context of clause 10. Is that correct?

The Chair: Not necessarily. I'm pretty easy about the way things proceed here. I can be quite flexible on these things. If we proceed to clause-by-clause and you raise your hand, I'll give you the floor.

I'm not trying to trick you, Ms. Harder. I'm just trying to make this path easier for you.

Ms. Rachael Harder: Okay, Mr. Simms, I'm going to trust you and I'm going to wait until you get started with clause-by-clause.

The Chair: I'm assuming you're withdrawing your point of order?

Ms. Rachael Harder: In good faith.

The Chair: Indeed.

Okay folks, we're back to the meeting.

Thank you very much. I'm sorry for the technical difficulties in between. They happen from time to time, but this is the first time this has happened to us.

As you know, we're picking up clause-by-clause once more. Don't forget about your "raise hand" function, as I mentioned earlier.

We left off last time on amendment G-10.

Ms. Harder.

Ms. Rachael Harder: Mr. Simms, thank you so much for giving me the floor.

The Chair: You're quite welcome.

• (1335)

Ms. Rachael Harder: Mr. Chair, I understand that this committee is doing, I believe, its best to get through this legislation quickly and to move it to a point that it can be voted on in the House of Commons. I believe, however, that there are some things that need to be considered before getting to that point.

As I've outlined previously, clause 3, or proposed section 4.1, was removed from the legislation last week. When that took place, the nature of this bill changed.

There is a charter statement that was provided by the justice department under the name of the justice minister. That charter statement determines whether or not this piece of legislation, Bill C-10, would be in agreement with or within the purview of the Charter of Rights and Freedoms.

That statement is now null and void, because a significant portion of the bill was removed last week. That being the case, I believe this committee needs to seek another statement with respect to the charter and whether the charter rights of Canadians are in fact being respected within the new outline provided within this bill.

I would draw the committee's attention to a few opinions or viewpoints that have been offered by experts. Most notably, former CRTC commissioner Peter Menzies said that this legislation "doesn't just infringe on free expression; it constitutes a full-blown assault upon it and, through it, the foundations of democracy."

Mr. Chair, that is an incredibly damning statement in regard to this piece of legislation as it stands now, because that clause was removed last week. That being the case, I believe this committee needs to take the responsibility of seeking another charter statement.

The argument has been made by some members at this table—and by other members of the governing party when this has been raised in the House of Commons during question period—that Canadians shouldn't worry; that there would never be an imposition on their freedom and what they post on social media.

At the end of the day, however, if it's not there, it's not there. In other words, if the protection isn't granted, then there's no protection. It's that simple. If the protection is not outlined in this legislation, then there is no protection for Canadians.

We're talking about a regular component of their daily lives. We're talking about a video they post of their cat, about a video they post of their kids, about a conversation they're having with a friend on a social media platform. This is a new form of public square, and based on the charter, our right to freedom of expression should not be imposed upon.

I would argue, and many other experts have argued, that they are being imposed upon. That being the case, I believe we need to seek a new charter statement based on this legislation as it stands now.

I want to move a motion for this committee's consideration. If I may, I would like to read it into the record.

It reads:

That, given that the deletion of section 4.1, clause 3 of Bill C-10, would extend the application of the Broadcasting Act to programs uploaded by users of social media services, which in turn could violate paragraph 2(b) of the Canadian Charter of Rights and Freedoms;

and given that the current "Charter Statement" required under section 4.2 of the Department of Justice Act with respect to the potential effects of Bill C-10 directly states that "users of social media who upload programs for sharing with other users and are not affiliated with the service provider will not be subject to regulation" as part of its argument that Bill C-10 respects section 2(b) of the Charter, the committee:

(a) request that the Minister of Justice produce an updated "Charter Statement" under section 4.2 of the Department of Justice Act with respect to the potential effects of Bill C-10, as amended to date, on the rights and freedoms that are guaranteed by the Canadian Charter of Rights and Freedoms;

(b) invite the Minister of Canadian Heritage and the Minister of Justice to appear before the committee to discuss the implications of Bill C-10, as amended to date, for users of social media services; and

(c) suspend clause-by-clause consideration of Bill C-10, notwithstanding the Committee's decision of March 26, 2021, until it has received the updated "Charter Statement" requested under paragraph (a) and has heard from the ministers invited under paragraph (b).

Mr. Chair, that is the end of my motion. I would reiterate how vitally important it is that this committee composed of legislators do its work responsibly and seek this statement from the justice minister.

● (1340)

The Chair: Okay, everybody understands the motion.

Have you sent a copy of this, Ms. Harder, to our clerk?

Ms. Rachael Harder: Yes, a copy has been submitted in both French and English.

The Chair: Ms. Dabrusin.

Ms. Julie Dabrusin: Thank you, Mr. Chair. I have two points.

I would like to be very clear, because it keeps being talked around. There is a clear exclusion, which has already been passed by this committee, to exclude individuals posting to social media. I need to make that absolutely clear. There is an exclusion for individuals posting content to social media. Beyond that, the Broadcasting Act does not cover content. This is not about moderating content.

I will, however, go one step further and also indicate that we are in the middle of clause-by-clause study. We do not have a completed bill before us. We are still in the process of a clause-by-clause study, and it is simply premature to be taking any moment to review what the impact of the bill would be until we have actually completed the process of determining what the bill will look like.

The Chair: Mr. Housefather.

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

I'd like to start by saying that I agree entirely with Ms. Dabrusin. The preamble of the motion takes a position that I don't agree with. I think it's a flawed interpretation of the removal of clause 3 of the bill. I also believe, as Ms. Dabrusin said, that the bill will continue to be amended, so for us to stop at each point in the bill, which may not reflect the bill at the end, to ask for updated charter statements is illogical.

Furthermore, and more importantly, let me direct you to the Department of Justice website as to what the rules are with respect to charter statements.

These charter statements, which were put into effect by our government, the Liberal government, basically originally included charter statements only for justice bills. Then, on December 13, 2019, through amendments to the Department of Justice Act, we created a new duty on the Minister of Justice to ensure that a charter statement is tabled in Parliament for every government bill. The charter statements are a transparency measure intended to inform parliamentary and public debate on a bill and help increase awareness and understanding of the charter.

The website explicitly states:

Charter Statements are intended to provide information to the public and Parliamentarians. Although a bill may change over the course of its passage through Parliament, Charter Statements reflect the bill at [the] time of introduction and are not updated.

Let me repeat that. Charter statements reflect the bill at the time of introduction and are not updated. It goes on to say, “Charter Statements are not legal opinions on the constitutionality of a bill.”

For a multiplicity of reasons, then, Mr. Chairman, I am against this motion: number one, that the legislation does not contemplate ever updating a charter statement, and it is explicitly stated that charter statements “reflect the bill at time of introduction and are not updated”; and second, because we are in the middle of a clause-by-clause debate on the bill, and if it were to be updated at any point for whatever reason, if that were permissible, it would make sense to do so only at the end of debate on the bill, once all the amendments had been adopted and one knew what the legislation would look like.

Thank you, Mr. Chairman.

The Chair: Mr. Aitchison.

Mr. Scott Aitchison (Parry Sound—Muskoka, CPC): Thank you, Mr. Chair.

I think this is a very wise move.

To Ms. Dabrusin's point about a new subsection proposed in this bill that protects users—she's referring, I think, to proposed new subsection 2(2.1), which does protect users specifically—the removal of proposed new section 4.1 refers specifically to the programs that users use to upload their content.

We need to be really careful here. Effectively, I think what this is doing is pushing the regulatory impacts onto users. They're actually shifting them to the programs themselves. I think we need to be careful, and frankly, having a new charter statement—a review of this matter—may have tremendous impacts as we continue the clause-by-clause.

I realize the Liberals really want to rush this through and want to get it done, because they didn't do it in the first five years they had, but I think it behooves us to make sure we do this very carefully and make sure that something as fundamental as freedom of expression for Canadians is not hindered in any way by any moves we make here.

This is fundamental to our democracy and our way of life, and to ask a Liberal justice minister for a review of it is, I think, a very reasonable compromise to make sure, as we proceed and continue to go clause by clause, that we're doing so while ensuring that we're

not in any way infringing on Canadians' fundamental freedom of expression—

• (1345)

[Translation]

Mr. Martin Champoux (Drummond, BQ): A point of order, Mr. Chair.

[English]

The Chair: Hold on one second, Mr. Aitchison. There is a point of order from Mr. Champoux.

[Translation]

Mr. Martin Champoux: I am sorry to interrupt Mr. Aitchison. I am finding the debate very impassioned, but I still have not received the motion in French. Our colleague Ms. Harder says that she had sent it in English and in French. However, I don't have the French version, or even the English version. To be able to discuss the motion, I would really like to have the French version, please. Can the clerk send it to me as soon as she can?

Thank you.

[English]

The Chair: I got a thumbs-up. I believe she's sending it. If you don't receive it in the next little while, Mr. Champoux, just let us know.

Mr. Aitchison, back to you, without any prejudice of course.

Mr. Scott Aitchison: There's none taken, anyhow.

I was summing up my point that making sure we get this right is far more important than getting it done quickly. I have real concerns that shifting the onus onto the programs that individual Canadians use opens up too many questions. It is very concerning that the CRTC, while it maybe wouldn't do so, would have the ability and the authority to start regulating the content that individual Canadians post to social media. This is the fear I have. Freedoms aren't taken away in one fell swoop in societies. They're chipped away bit by bit, all under the cover of some important protection from some fear that we should have.

It is well worth taking a pause and asking for a review by the justice minister to make sure we're not getting this wrong. This is so fundamental to our way of life and to the freedoms Canadians expect. We need to make sure we get it right, and that's the reason I think this is a wise pause. We're asking a Liberal minister of justice as well. This is not a partisan issue, I don't think. This is just good governance and making sure we take the time to get this right. That's all we're asking for.

The Chair: Ms. Harder.

Ms. Rachael Harder: Mr. Chair, to Ms. Dabrusin's point, originally there were two sections within this bill that had to do with individuals. One had to do with individual users, and one had to do with the programs those individuals might use to convey their message or the material they're wishing to share.

The section having to do with users is still intact. The section having to do with the programs that users use was removed. If an individual were to use YouTube, Facebook, TikTok or Twitter, they would be held to the regulations within the CRTC in terms of how those programs are used. That is a direct imposition on their freedom.

I'm not necessarily one who is arguing this on my own. In fact, when Ms. Dabrusin first brought forward the idea that clause 3 should be removed from the bill, Mr. Owen Ripley had comments to make in that regard. Mr. Owen Ripley, of course, is the director general of the broadcasting, copyright and creative marketplace branch at Canadian Heritage. These are his words. He said, "Ms. Dabrusin has signalled, the government intends to...repeat...section 4.1".

At that point, it was only an intent. Now it's been followed through on.

He went on to say:

...meaning that there would no longer be any exclusion for social media services at all.

He explained:

For the benefit of the committee, in our previous sessions, the committee upheld the exclusion for 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. ...The CRTC couldn't call us before them, and we couldn't be subject to CRTC hearings.

However, Mr. Ripley continued by saying that if the exclusion were to be removed and the proposed new section 4.1 struck down, as it was last week, "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." It is very important to note his words when he said, "it would be subject to regulation moving forward". Those were his words. This is an expert.

For Ms. Dabrusin to try to mislead this committee, and for the government to try to mislead Canadians into thinking they wouldn't be impacted by this change, is wrong. If they are not scared to have this challenged, then why not allow for a charter statement to be drafted based on the change that was made last week?

Of course, Mr. Ripley is not the only one who provided that type of commentary. In addition to him, former CRTC commissioner Peter Menzies—and I would hope if we're going to listen to any expert, we would want to listen to him—said that this legislation, "doesn't just infringe on free expression; it constitutes a full-blown assault upon it and, through it, the foundations of democracy." That is an extremely strong statement.

He also stated, "It's difficult to contemplate the levels of moral hubris, incompetence or both that would lead people to believe such an infringement of rights is justifiable."

Mr. Chair, this is a huge issue. For us to move forward as a committee with little to no regard for wanting to protect the charter rights of Canadians is frightening.

We like the charter. We post it proudly on our walls, as members of Parliament. We talk about it in the House of Commons with pas-

sion. We defend it rigorously. At least, that's what we used to do. For us to treat it as if it's just a suggested document rather than the supreme law of the land, is a shame on us.

● (1350)

To suggest we can just move forward, that it's not a big deal or that we will just wait until the end, which probably isn't true, is wrong. It's so wrong. Canadians deserve better. Canadians deserve to have their charter rights protected. Canadians deserve to have the members of this committee wish to seek greater clarity.

Michael Geist, a law professor at the University of Ottawa and the Canada research chair in Internet and e-commerce law, said, "The government believes that it should regulate all user generated content, leaving it to [the] regulator to determine on what terms and conditions will be attached the videos of millions of Canadians on sites like Youtube, Instagram, TikTok, and hundreds of other services."

He is an expert in this field, and that is what he is saying. He is raising a massive red flag with regard to the part of this bill that was removed last week, which thereby removed protection for individuals and their use of social media and the content they post on the various platforms that are available to them. For us to move forward with little regard for the words spoken by former CRTC commissioner Peter Menzies, or Michael Geist, an expert in this area, or Mr. Owen Ripley, who is the director general of the broadcasting, copyright and creative marketplace branch, and pretend that somehow as individual members of Parliament we know better is incredibly pompous and incredibly irresponsible of us.

We have an opportunity here to do the right thing, so I'm confused as to why members wouldn't wish to do that. Why wouldn't we wish to push the pause button and seek a charter statement? That's simply what we're asking for here. If the charter statement says there is no problem and the bill aligns with the Charter of Rights and Freedoms, then I guess it's the prerogative of the government to put the legislation through, if they have the votes within the House of Commons.

The whole point of clause-by-clause is to carefully analyze the legislation that is before a committee, and to ask good questions, seek clarification and make sure we are doing the right thing and acting in the best interests of Canadians. As of right now, based on the things that have been said by the experts I have listed, I am concerned that this bill, as it stands right now with the amendments that have been made, goes too far, and that it does infringe on the rights and freedoms of Canadians.

My request is very simple. I am respectfully asking that we push the pause button, seek a charter statement, move forward after we have that statement and do so in the best interests of Canadians, fighting for their freedom, defending their voices and ultimately standing by what we call the Canadian Charter of Rights and Freedoms, which in subsection 2(b) offers protection for people's "freedom of thought, belief, opinion and expression". That thought, belief, opinion and expression can take place in the reality we call "nonvirtual" and in the reality we call virtual, such as social media platforms or apps. I believe we need to make sure we're contending for that and protecting it, and that we are on the side of Canadians and the supreme law of the land.

• (1355)

The Chair: Mr. Rayes.

[*Translation*]

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

I would like to make a comment on Ms. Harder's request, which I consider perfectly legitimate.

We all started out with a willingness to review the Broadcasting Act, which is many years old. When we started, everyone wanted to collaborate with the government. Those who came to talk to us expressed their concerns. They told us about aspects of the bill with which they agreed or disagreed, or which, in their opinion, should be amended.

All members of the committee, from all parties, unanimously agreed to allow members of Parliament the privilege of expressing their views on this bill in the House. Some saw the bill as basically bad, some raised concerns. Members of the committee even agreed to conduct a preliminary study of the bill in committee so as not to hold up the process. The Liberals hinted in the media that we had tried to hold up consideration of the bill, but that was false. It had been agreed that the committee would begin to study the object of the bill and, once the debate in the House was over, the committee would consider the information that had been gathered as it began its official study of the bill.

Everyone was ready to work together, with the objective that the major players in the digital world, such as Netflix, be regulated in the same way as our traditional Canadian broadcasters, as we so dearly like to call them. Everyone shared in that salutary and commendable objective, at the outset.

Subsequently, some criticized the government for not requiring the GAFAs of this world, companies like Facebook, to redistribute money. It was also criticized for not including the CBC's mandate in the bill. We also had the whole issue of hate speech on social media, which the Minister proposes to deal with by means of another bill that will be introduced later.

Through it all, we did our work. Experts came to testify before the committee. A few weeks ago, we then began the clause-by-clause consideration of the bill. If my figures are correct, about 118 amendments were proposed by all parties: 37 by the Green Party, 37 by the Bloc Québécois, 27 by the government itself and by the Liberal members of the committee, 14 by the NDP and 13 by ourselves in the Conservative Party. As I said, that's 118 amendments. It shows that the bill had a number of gaps from the outset.

All the members of the committee worked together to find an acceptable compromise by proposing subamendments. The issue of Canadian content in French, that everyone brought up, as you recall, also had to be dealt with.

So what happened last Friday was a shock for everyone, I would say. No one saw it coming. Although committees are supposed to be independent, the Minister, through his Parliamentary Secretary, and other Liberal members who represent him on the committee, decided to eliminate one whole section of the bill, which will have consequences on internet users and influencers specifically. People do not realize that and are only just starting to talk about it. I can tell you that the media in Quebec are not talking very much about what is happening at the moment. However, freedom of expression and the very basis of the Canadian Charter of Rights and Freedoms are at play for all users, influencers, youtubers, people with a little YouTube channel, who do it as a second job or just as their passion. By taking out that whole section, the power to regulate has just been handed over to the CRTC.

I have a lot of respect for Ms. Dabrusin. She repeated what the Minister said in question period, that such is not the government's intention and I want to believe it. If that is the case, the government would not have had to come to that decision, because now we are not talking about the same thing at all. It is no longer a bill intended to submit the major digital players to the same regulations as conventional broadcasters. A big hole has been opened up, with no guidelines, by giving the entire power to the CRTC, which is out of our control. Actually, as soon as we have anything to say against that organization, we are told that we have to listen to it and let it do its work, because it's independent.

Basically, our work is to make sure that the bill imposes a tight framework to protect the Canadian Charter of Rights and Freedoms. That should also be the *raison d'être* of every member of the House of Commons.

• (1400)

Some might wonder whether this is an opposition attempt to prevent the bill from being passed. That is not the case at all. The opinions we have heard this week have come from experts. Ms. Harder named some of them, and I don't want to quote their comments again, but they include Michael Geist, an emeritus law professor at the University of Ottawa. Some might wonder whether that professor is going overboard when it comes to the bill, but no. I am sorry to disappoint you, but he is very well recognized in his area. He is so well recognized that, as I dug into the registry of grant programs supporting research and professors in their work, I found that the Liberal government had paid that professor several hundred thousand dollars. I am not saying that he received money to which he had no right. On the contrary, he received it because of his expertise in the area. In 2020, or to be more precise, on April 1, August 15, February 8, and September 1, he received more than one hundred thousand dollars for his work. He is therefore a credible expert who is showing us a warning light when he states clearly that we have before us “the most anti-Internet government in Canadian history”. I am not an expert in the area, but I can say that the warning light is yellow and may even be about to turn red. As parliamentarians, we have a responsibility to put a foot on the brake and examine the situation.

We can add what Mr. Menzies said. He is a former commissioner of the Canadian Radio-television and Telecommunications Commission, whose reputation in the area cannot be questioned.

I would also like to draw the attention of all committee members and to the people listening to us that Daniel Bernhard, the Executive Director of Friends of Canadian Broadcasting, who has come to talk to us on several occasions, has been sending warning signals since we started. Just look at page 3 of the report that the organization submitted to the committee. Before we even started to propose amendments, the organization was already shedding light on the risk posed by eliminating subsection 4.1, which the bill was proposing to add to the Broadcasting Act. By eliminating it, we have ripped away an essential element of protection from internet users all over the country.

Let us not even mention the host of experts, university professors and political analysts who have been waving red flags, not yellow ones, since the beginning of the week, telling us that, by agreeing to eliminate this section, we have just dug ourselves a hole.

With all due respect to my colleagues, I consider that Ms. Harder's request is perfectly legitimate. There's nothing partisan about it. It asks the Minister of Justice, himself a member of the Liberal Party, to submit a new Charter statement to follow the one, which he himself wrote, stating that the bill we are currently studying is supposed to provide protection for the users.

I venture to think that our committee, whose members have been working together from the outset, will have the wisdom to say that it has made a mistake. If the Minister is operating in good faith and, as he states, the consequences of eliminating that section are not those that he wants, let's look at our decision again. It will not prevent things from moving forward, because I don't think we will be passing Bill C-10 in a week. The Liberal government will soon have been in place for six years. During that time, it has prorogued

Parliament. The committee has done everything it can to make sure that things roll along. We have wasted not one minute in the legislative process. Let me emphasize that all members of the committee have worked to move this bill forward.

I hope that the Minister will stop his empty rhetoric, in suggesting that we may have said things in the past when we have not. Right from the start, the minister told us that the GAFAs were going to be included in the bill, which was completely false. Today, by trying to correct a mistake, he has made another one by asking the committee to eliminate subsection 4.1.

I repeat, if we want things to roll along nicely, let's just pass this motion. Then, first, we will be able to ask the Minister of Justice to provide us with an updated Charter statement and, second, we can listen to what the Minister of Canadian Heritage and the Minister of Justice have to tell us. Then we will be able to resume our work with a view to passing the bill on the Broadcasting Act, so that the major players in the digital world are subject to the same regulatory framework as the broadcasters we like to call traditional.

• (1405)

Ms. Harder, thank you for your expertise and your work. I hope that the message you are sending us will allow the committee to make a wise decision, the right decision.

Thank you, Mr. Chair.

[*English*]

The Chair: Mr. Waugh.

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

As you know, I'm a former broadcaster, like many on this committee.

We all know, whether you're from the government side or the opposition side, that C-10 needed to be updated. It hadn't been updated in over 30 years. In fact, the Internet wasn't even around the last time this bill came forward. In the last several months we've all talked about this bill.

It was interesting hearing from all the stakeholders. That's all I'm going to say. The stakeholders have been looking at this bill for the last five years. They want a good bill to come out of committee so they can put it on the wall and follow the regulations.

We know that the conventional broadcasters—and we've heard from them in committee—are deeply hurting in this country. It doesn't matter if you're a big supplier of television and radio like Bell or Rogers or if you're just a local radio station by yourself in Kamloops or wherever; you know this bill is major in the industry right now.

This is not only because of COVID-19, although that slowed it up a little, but Mr. Chair, as a former broadcaster, I think you too would agree that the landscape in this country has changed dramatically. It's changed because of the Internet. It's changed because of the digital players. All of us know that. Many of us in this country no longer subscribe to cable. We've seen the numbers drop, and maybe for good reason. They're getting their news now from Facebook. They know what their families are doing across this country because of Facebook.

When you seek a charter statement on this.... I don't know about you, but I've had literally 200 to 300 calls and emails this week, specifically since last Friday, from constituents really worried about the rights and freedoms of Canadians.

Many of us go on and upload messages to family. In my statement.... I have a brother out in Vancouver who I haven't seen in maybe four or five years. I have a nephew right now that has made the Prince Albert Raiders. I'm just going to share this with you. They had a bubble in Regina, so I could have maybe gone to see him play. They had a 24-game schedule here in Regina. I couldn't go because of COVID, which I understand.

How do I reach out to my nephew, Niall Crocker, and his family? This is not only me; this is every family in the country. They want the freedom socially to do some of what we have done for years now.

When the proposed section 4.1 was removed last Friday and changed the field, then all of a sudden, holy man.... We've gone into uncharted territory. It's uncharted because when you have a former chair of the CRTC raising a flag.... I can tell you that Ian Scott, the current chair of the CRTC, read his statement. What we don't want, I think, as legislators is the CRTC non-elected telling people in Canada what they can and can't do on the Internet with respect to what they can upload and so on.

I think Michael Geist was right on. Every newspaper in this country—not only the Sun newspapers, but the National Post, the Toronto Star, The Globe and Mail and so on, has really come to the forefront with this story this week, because it matters to Canadians. The newspaper industry, as we know, is hurting in this country.

I would say this, as a former broadcaster. They probably had more input this week because of this bill than on any other government bill that has been debated in Parliament in the last two weeks. They know it's an infringement of rights.

I agree with Ms. Harder and Mr. Rayes. Maybe we should get a legal opinion from the justice minister on the charter statement on rights and freedoms.

• (1410)

For people in this country, because they've been locked down, Mr. Chair—and you know it more than anybody because you're back in the Maritimes right now—this is really hard on them. Particularly in this country, we're fighting anti-maskers and people who don't believe in vaccines, and then all of a sudden this bill hits the airwaves from last Friday and in particular the last five days in this country, and people are up to here. They want their rights and freedoms restored if they've been diminished. This bill, by remov-

ing the proposed section 4.1 last Friday, has diminished rights. You might not say that, but it's there.

When you have a former chair of the CRTC raising awareness before we even get to the finish of clause-by-clause, that's enough for me. Mr. Menzies was a well-respected chair of the CRTC for years. Mr. Scott, in his position, I am sure, has had the dialogue over what is happening in committee.

I want to say thank you to Mr. Ripley and all the Heritage staff. You have been magnificent on clause-by-clause, giving an opinion on our amendments going forward and giving us a sense of what is needed in this bill, because we're only going to get one shot at this. This took 31 years to get renewed, and it may take another 31 years to move it forward.

The stakeholders are watching. We know that. We're still getting emails from all our stakeholders who want one-on-one meetings. I'm getting them every day from everybody, in particular over what happened last Friday, with the government removing 4.1.

I'll wrap it up there. I think we need to pause this right now. We can get a clarification from the justice minister. I've seen quotes in newspapers. Let's get this bill right. That's why we're here; that's why we got elected. We got elected to do the right thing for Canadians—to bring a bill forward that needs to be updated. All of us on the committee, all 11 of us on this committee, agree that this bill needs to be right.

When we saw what happened this last week with Canadians up in arms over this bill—and they are up in arms over it—I think that was the flag for all of us to say, “Look, let's get an interpretation. Then, once we get that interpretation from the justice minister, good or bad, we can move on with this bill.”

We all agree on this committee. We've gotten along so well, and we still are, but we want this broadcasting bill to be right. I see no problem pausing, getting a clarification, and then picking it up and moving it out. We have seven or eight weeks in the House of Commons. What's the difference if we bring this out May 10 or June 10? The difference is that we'd better get it right. Canadians are looking to us to get it right.

That is my comment, Mr. Chair. I appreciate your time and your willingness to hear from all of us here today.

Thank you.

• (1415)

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

If I may be so bold, for a point of clarification, I am from Newfoundland and Labrador. We were never really officially a part of the Maritimes, but I appreciate the spirit in which you put it forward. There's no offence to my Nova Scotia, P.E.I. and New Brunswick colleagues.

We go to Ms. Dabrusin.

Ms. Julie Dabrusin: Thank you, Mr. Chair.

I move that the debate be now adjourned.

The Chair: Has everyone heard the dilatory motion? I'm sure you all know what that means.

[*Translation*]

Mr. Martin Champoux: A point of order, Mr. Chair.

[*English*]

The Chair: I'm sorry. There is no point of order, sir.

This is a dilatory motion. I have to proceed directly to the vote on adjournment.

Go ahead, Madam Clerk.

[*Translation*]

Mr. Alain Rayes: Mr. Chair, I would like to ask a question so that I can fully understand what the issue is.

[*English*]

The Chair: Mr. Rayes, we have to proceed. This is a dilatory motion. I'm sure you know what that is by now. It's a serious thing that we deal with. We have to go directly to the vote, as dictated by the Standing Orders.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I had my hand up well before the others.

[*English*]

The Chair: I'm sorry, Mr. Champoux, but I have to go with the order I have.

[*Translation*]

Mr. Alain Rayes: Mr. Chair, I want to know what a dilatory motion is. I am just asking you to explain it to me.

[*English*]

The Chair: Going to the order of the speaking, I have to go with Ms. Dabrusin. She has moved a dilatory motion.

Go ahead, Madam Clerk.

Ms. Rachael Harder: On a point of order, Mr. Chair—

The Chair: I apologize, Ms. Harder, but this is a dilatory motion. I've already ruled on this several times.

Ms. Rachael Harder: —you cannot proceed to a vote when there are still hands raised.

The Chair: Ms. Dabrusin had her hand raised. She speaks before the other people who have their hands up. She called for an adjournment. It's a dilatory motion, which means we have to go to it immediately. I think we've all—

• (1420)

Ms. Rachael Harder: I would ask that you speak with the clerk.

The Chair: I'm seeking out the clerk, actually, to do a vote. That's what we're supposed to do with a dilatory motion.

Madam Clerk.

The Clerk of the Committee (Ms. Aimée Belmore): If you vote yea, the debate will adjourn on the motion of Ms. Harder. If you vote nay, then the discussion will continue on the motion of Ms. Harder.

Ms. Rachael Harder: I have a point of order.

The Chair: Ms. Harder, if you require, I can ask the clerk to do this one more time, if that's what you're asking. I'm trying to uphold the rules by which we govern ourselves at committee and in the House of Commons. This is a dilatory motion. This is where we have to go.

Ms. Rachael Harder: There are still hands raised, though.

The Chair: Ms. Dabrusin just moved a motion, Ms. Harder, which means she goes first. Now, if this doesn't work, then the other hands will be recognized. It's fairly clear.

Madam Clerk, please go to the vote.

(Motion agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

The Chair: Debate has now been adjourned on the motion of Ms. Harder.

[*Translation*]

Mr. Martin Champoux: A point of order, Mr. Chair.

[*English*]

The Chair: Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I am very well aware that you have to put Ms. Dabrusin's dilatory motion to a vote. I also understand that, because that motion was introduced, my speaking time has been deferred. I feel that other members would also like to be part of the debate on Ms. Harder's motion. I actually had an amendment. If you want, you can check the order in which members raised their hands to speak, but I am almost convinced that I had my hand up first. If I had been able to speak, we could have debated the amendment I wanted to propose to Ms. Harder's motion. But I am not allowed to do that because you have given the floor to another member of the committee before me. I wanted at least to point out that I feel strongly that there has been an injustice in the committee's procedure today.

• (1425)

[*English*]

The Chair: Mr. Champoux, as you can see, on the right-hand side of your screen, it shows who put their hand up first. Whether there was a problem with the machine, I don't know. Ms. Dabrusin's name was there, and then it was yours. I have to go by what I see on the right-hand side of the screen.

I apologize if you feel that there's something nefarious involved here, but there surely wasn't. I go by what I see on the right side of the Zoom screen. This is duly noted, and I will make sure to follow it in the future.

Now we will go to Ms. Harder.

Ms. Rachael Harder: Mr. Chair, I would issue a challenge to your earlier ruling.

According to the procedures, a motion to adjourn debate can be issued only once every hand that has been raised with regard to that debate has been acknowledged and given the opportunity to speak.

The Chair: Ms. Harder, I have to stick with the ruling I made. It was a dilatory motion.

If you wish, I can confer with the clerks to seek clarification and assurances that what we're doing is right. I could do that.

Ms. Rachael Harder: I would, absolutely, wish for that because, according to the procedures I am reading on the House of Commons website, we cannot adjourn debate until every hand that has been raised has been acknowledged and those individuals have been given an opportunity to speak.

The Chair: Okay, Ms. Harder, I will seek the clarification you've asked for with the clerk. We will suspend for a very short two minutes.

Ms. Rachael Harder: I would ask for a reference to the page.

Thank you.

The Chair: Don't forget, folks, please don't speak until I recognize you because it's hard enough for staff to do their jobs as it is. I'm just trying to make life easier for them.

We'll suspend for a minute. Please stand by.

• (1425) _____ (Pause) _____

• (1425)

The Chair: Okay, everyone, we're back.

Ms. Harder, concerning your issue about other people speaking, the clerk is going to read the particular part of the Standing Orders that clarifies what you're asking.

The Clerk: Thank you.

You might hear double, because I believe the phone is still on.

Page 1067 of *Procedure and Practice* reads, "A dilatory motion is a motion designed to dispose of the original question before the committee, either for the time being or permanently. Dilatory motions do not require notice, nor can they be amended or debated. They are therefore put to a vote immediately." The main type of motion that is a dilatory motion would be, "That the debate be now adjourned", which is what Ms. Dabrusin moved.

If the committee chooses to adjourn debate on the motion, then the question is closed for the time being. The committee can bring it back at whatever point it wishes to, but it's closed for the moment, and debate continues on to the next order of business.

• (1430)

The Chair: Thank you, Madam Clerk.

Now we go to C-10 for the day.

As mentioned earlier, we're going to talk about G-10. It's where we left off last time, if you recall.

Do I see Ms. Dabrusin raising her hand?

[Translation]

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

[English]

The Chair: I apologize. I see Ms. Harder's hand up, and it's first in line, so I have to follow that.

Ms. Harder.

[Translation]

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

[English]

The Chair: Sorry, Mr. Rayes. On a point of order, please go ahead.

[Translation]

Mr. Alain Rayes: it's very simple. Since it is 2:30 p.m., I would like us to be able to take a little break for a few minutes, if possible, so that we can get a drink of water, among other things.

[English]

The Chair: Okay, that's—

[Translation]

Mr. Alain Rayes: I would have liked to ask you that beforehand, Mr. Chair, but the debate was so passionate that I did not want to miss a single minute.

[English]

The Chair: Yes, we were overbrimming with excitement there for a while. We will go on our health break, a well-deserved one, and I did say when you brought it up that we would have one.

Folks, we'll be back within four minutes, so we'll see you soon. We'll suspend for four minutes.

• (1430) _____ (Pause) _____

• (1435)

The Chair: Welcome back, everybody. We're going to resume once again.

I'm going to turn to my speaker's list. I'll go to Ms. Harder.

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

Mr. Chair, believing the motion I've laid out on the table is of utmost importance, I would move that we return to debate, that debate resume with regard to the motion that I have put before this committee, which, of course, asks for a new statement from the justice minister in regard to whether Bill C-10 in its current state does in fact respect the Canadian Charter of Rights and Freedoms.

• (1440)

The Chair: Ms. Harder, just so you know, page 1062 of the third edition of *House of Commons Procedure and Practice* states that if the debate “is adjourned without the committee taking a decision, the committee may resume the debate...at another meeting.” I hope that's clear. We can't resume with the same debate at this point. We have to do it at another meeting. That's quite clear within the third edition.

Seeing nothing further, I'll go to Ms. Dabrusin.

(On clause 7)

Ms. Julie Dabrusin: Thank you, Mr. Chair.

The next amendment, the next motion we're dealing with, is G-10. This concerns Canadian ownership, something we had focused on as being a very important issue. This is the power that would allow the CRTC to review changes in ownership to make sure Canadian ownership rules are being properly respected.

The Chair: Okay. Is there any further conversation? Again, we're on amendment G-10.

Mr. Aitchison.

Mr. Scott Aitchison: Thank you, Mr. Chair.

I would actually propose a subamendment to G-10, to add the words “that is not an online undertaking”. In G-10, it reads, “any change in the ownership or control of a broadcasting undertaking”. Insert there the words “that is not an online undertaking”, and then carry on.

The Chair: Okay. Proposed paragraph 9.1(1)(h.1) would then say “any change in the ownership or control of a broadcasting undertaking that is not an online undertaking, carried on under a licence”.

Mr. Aitchison, I'm looking to you for confirmation. You're including “not an online undertaking”. Am I correct?

Mr. Scott Aitchison: I'm sorry. I was nodding. Yes, that is correct.

The Chair: Does everyone understand the subamendment?

We are now in the middle of the subamendment by Mr. Aitchison, which would amend G-10. Shall the subamendment carry?

Mr. Housefather.

Mr. Anthony Housefather: Mr. Chairman, I'm a bit confused here. What exactly are we moving to a vote on? If we're moving to a vote on Mr. Aitchison's subamendment, I have a question for the department on it.

The Chair: I see. Go ahead.

Mr. Anthony Housefather: Yes. I'd like to understand what the carving out of online undertakings from this section means.

I'd like to just confirm with Mr. Ripley that it would mean that online undertakings that are broadcasting undertakings would not be covered; therefore, the commission would not be able to look at the change of ownership or control of such an online undertaking.

Would that be the sense? It would be a complete carve-out, and the CRTC would no longer have the power to look into the ownership or control of an online undertaking.

The Chair: Mr. Ripley.

Mr. Thomas Owen Ripley (Director General, Broadcasting, Copyright and Creative Marketplace Branch, Department of Canadian Heritage): Thank you for the question, Mr. Housefather.

The amendment as currently drafted, as members of the committee will note, talks about undertakings that are carried on under a licence. The way that Bill C-10 is structured, as you may recall, is that online undertakings actually do not need to hold a licence, and so the amendment that Mr. Aitchison is proposing is actually already in line with the amendment as currently drafted, because an online undertaking is not required to hold a licence to begin with. The CRTC, as you may know, does indeed review ownership transactions in the conventional broadcasting world—that is, conventional broadcasters, cable and satellite companies—and this is to just ensure that it can continue to review those transactions moving forward, given that we're moving to a condition of a service model instead of a condition of a licence model.

• (1445)

The Chair: Thank you, Mr. Ripley.

Go ahead, Mr. Waugh.

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

I have a question for Mr. Ripley.

Crave is owned by Bell. Could you speak to that situation? Right now in Canada that would be probably the only one that I can relate to. Bell owns Crave. Would this change anything at all on this?

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

The question would hinge on whether Crave is a licensed undertaking or not. It's an online undertaking, but because it's part of a larger corporate family, it would depend on exactly the way it is operated. My understanding is that right now, it does operate under the exemption order and therefore is not part of any licensed activity of Bell. Again, this power would not apply in the case of an ownership transaction involving the division of Crave, so to speak.

Just to confirm that, Mr. Chair, maybe my colleague, Mr. Olsen, wishes to add to that.

The Chair: Mr. Olsen...?

Apparently it's no.

Mr. Drew Olsen (Senior Director, Marketplace and Legislative Policy, Department of Canadian Heritage): It's no. That was what I would have said. Thank you.

The Chair: Okay, great. Thank you, folks.

Seeing no further discussion, again, we are on the subamendment from Mr. Waugh regarding amendment G-10.

Mr. Kevin Waugh: Actually, Mr. Chair, it will be from Mr. Aitchison.

The Chair: It's Mr. Aitchison. I apologize. You were right there, sir. You were top of mind, except it should have been Mr. Aitchison.

That's no reflection on you, Mr. Aitchison.

Mr. Scott Aitchison: We share a name, Mr. Chair. My goodness, I would think you would be less dismissive of me.

The Chair: Yes, I know. You would think so.

We are on the subamendment to amendment G-10 put forward by my fellow Scotsman. Shall the subamendment carry?

(Subamendment agreed to)

The Chair: We will now go to the main amendment, G-10.

Go ahead, Ms. McPherson.

Ms. Heather McPherson (Edmonton Strathcona, NDP): Thank you, Mr. Chair. As another Scot, I'll jump in with another subamendment, if I can.

I would like to subamend the wording to say, instead of a "broadcasting undertaking carried on under a licence", "a Canadian broadcasting undertaking".

The Chair: Just so I get this right, it would be, "(h.1) any change in the ownership or control of a Canadian broadcasting undertaking".

Did I get that right?

Ms. Heather McPherson: Yes.

The Chair: Okay. You are simply inserting the word "Canadian". I don't think we need anything more formal than that.

Does everybody understand? I see common comprehension.

I see Mr. Rayes.

[Translation]

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

Can the senior officials with us tell us about the impacts of this subamendment?

[English]

The Chair: Yes, they certainly can.

Go ahead, Mr. Ripley.

[Translation]

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

Thank you for the question, Mr. Rayes.

The answer is actually similar to the one I gave Mr. Aitchison and Mr. Waugh. Currently, as you know, there is a directive stipulating that only Canadian enterprises can hold licenses in Canada. I would say that the amendment is much in the same spirit, because it

is impossible for a foreign company to obtain a license to operate a broadcasting enterprise in Canada.

• (1450)

[English]

The Chair: I see Mr. Housefather.

Mr. Anthony Housefather: Mr. Chair. I would just want Ms. McPherson to consider, based on that answer, that this may create confusion. I don't know where else in the act we talk only about Canadian broadcasting undertakings, and by referring to "Canadian" here, we might imply that those broadcasting undertakings other than Canadian may be eligible to get a licence, which under the act they are not. I would be a bit concerned about doing that, because then we would be saying that somebody other than a Canadian broadcasting undertaking could perhaps be eligible for a licence, but I leave it to her to consider.

The Chair: Go ahead, Ms. McPherson.

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

Thank you to my colleagues.

What I see with this subamendment is that this will protect Canadian ownership of Canadian online companies. It's just going to strengthen it, and I think that's important. It provides that additional coverage. That's why I put forward the subamendment. I don't think it causes confusion. I think, if anything, it strengthens the bill.

The Chair: Go ahead, Mr. Waugh.

Mr. Kevin Waugh: I have to get a clarification here. Let's take TSN, owned by Bell and partially owned by ABC/ESPN in the United States. How would this affect them if they decide some day to pull TSN off conventional television and just go like they are right now in the United States, doing a lot of streaming?

I guess maybe I'm asking department officials for a clarification on this, because TSN is partially owned, I believe, in the United States by ESPN/ABC. They have agreements. I am concerned that when you come to Monday night football or Thursday night football, all of a sudden TSN Canada has the rights, and they've decided to not put it on conventional television and instead just stream it. Does adding the word "Canadian" bring anything into effect here?

Maybe Mr. Ripley or Mr. Owen can answer.

The Chair: Go ahead, Mr. Ripley.

Mr. Thomas Owen Ripley: Again, to the extent that a broadcasting undertaking was to migrate to being an online undertaking—i.e., does not require a licence to operate—there would be no.... This power, this amendment, for the CRTC to make orders respecting changes in ownership or control would not apply to that online undertaking.

The reason for this amendment is that right now, when there is an ownership transaction, there is typically a change in licence, and that change of licence provides an opportunity for the CRTC to assess whether there needs to be any changes in condition as part of that ownership transaction.

What this is doing is seeking to ensure that if there is an ownership transaction in the conventional broadcasting market—a cable or satellite company or something like that—the CRTC continues to have the ability to impose conditions as part of that transaction, so if you want to sell that business division to this other company over here, CRTC will look at whether it authorizes that or not, but it may decide to impose conditions as part of that transaction for a variety of reasons. This power makes sure that the CRTC can continue to do that.

The Chair: I see Mr. Rayes.

[*Translation*]

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

I would actually like to add a comment to all that.

First of all, I appreciate the work of the senior officials with us in clarifying things for us each time that a an amendment or a subamendment is proposed.

Then, and this may seem partisan, but I would like to acknowledge Kevin Waugh's work. Thanks to his great experience, when he asks questions, he manages to provide very concrete examples, especially the last one. I have to admit that I sometimes get lost in legislative jargon. Mr. Waugh gives examples of Canadian companies, one part of which may be controlled by foreign interests and could possibly lean towards digital media rather towards broadcasting. That allows us to better understand all the details in this bill that we are working on together. May I highlight all the years of service in this field that he celebrated not very long ago.

The meeting is coming to an end, and I also want to highlight the expertise of the people who have been with us all through the process. The skills of each and every one have greatly helped us to make the best decisions possible.

• (1455)

[*English*]

The Chair: Thank you, Mr. Rayes, for those great sentiments.

Go ahead, Mr. Waugh.

Mr. Kevin Waugh: One other point is that because we have seen Rogers and Shaw talk about a merger, I wonder if this plays to Shaw. They're kind of out of the business now, although they still have community television stations. How would this amendment affect Shaw if they are sold to Rogers?

I know that's maybe a year away, or whatever. I'm just throwing it out there because all of a sudden now Shaw would own the local community stations across the country. They own several right now. Would this be affected by the change proposed here today by Ms. McPherson?

Mr. Drew Olsen: Thank you, Mr. Waugh, for the question.

Shaw operates many broadcasting distribution undertakings, or what we call cable systems. Most of those are operated under licences, unless they're small cable systems that have been exempted by the CRTC from being required to hold a licence. Since they hold a licence, they would still be covered under the amendment, which would apply to the change of ownership or a Canadian broadcasting undertaking carried on under a licence. They would still have a li-

cence, and then the CRTC would thus have the power under this subsection to put conditions of service around any change in ownership.

The Chair: Thank you, Mr. Olsen.

We are still on the subamendment from Ms. McPherson regarding “Canadian” broadcasting.

Shall this subamendment carry?

[*Translation*]

Mr. Alain Rayes: No.

[*English*]

Ms. Julie Dabrusin: Can we pass it on division, Mr. Chair?

The Chair: You wish to carry it on division.

[*Translation*]

Mr. Alain Rayes: No. I am asking for a recorded vote.

[*English*]

The Chair: Okay. Madam Clerk, please conduct the vote.

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

The Chair: Now we go back to the main amendment as amended. This is G-10.

Seeing no further discussion, we now go to a vote.

[*Translation*]

Mr. Alain Rayes: Mr. Chair, could you please reread the proposed paragraph, as amended?

[*English*]

The Chair: I didn't get the first part. I got the second part.

I'm going to call on Mr. Méla to read it as amended, if he has it there.

Mr. Philippe Méla (Legislative Clerk): I do, Mr. Chair.

Would you like the French version, the English version, or both?

[*Translation*]

The Chair: You can read the version in French.

Mr. Philippe Méla: Here is the amended wording:

h.1) toute modification relative à la propriété ou au contrôle d'une entreprise de radiodiffusion canadienne, qui n'est pas une entreprise en ligne, exploitée aux termes d'une licence;

[*English*]

The Chair: Shall G-10 carry as amended?

[*Translation*]

Mr. Alain Rayes: No.

• (1500)

[*English*]

Ms. Julie Dabrusin: On division.

[*Translation*]

Mr. Alain Rayes: I am asking for a recorded vote, please.

[*English*]

The Chair: We'll now go to a recorded vote.

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

If I start talking and you can't hear me, as happened a little while ago during the vote, please hold your hand up so that I can catch it right away. It would help me greatly.

Regarding the vote, G-10 as amended carries.

Well, we've had such a blast today that the time has flown right by and we have to depart. Have a wonderful weekend.

The meeting is adjourned.

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