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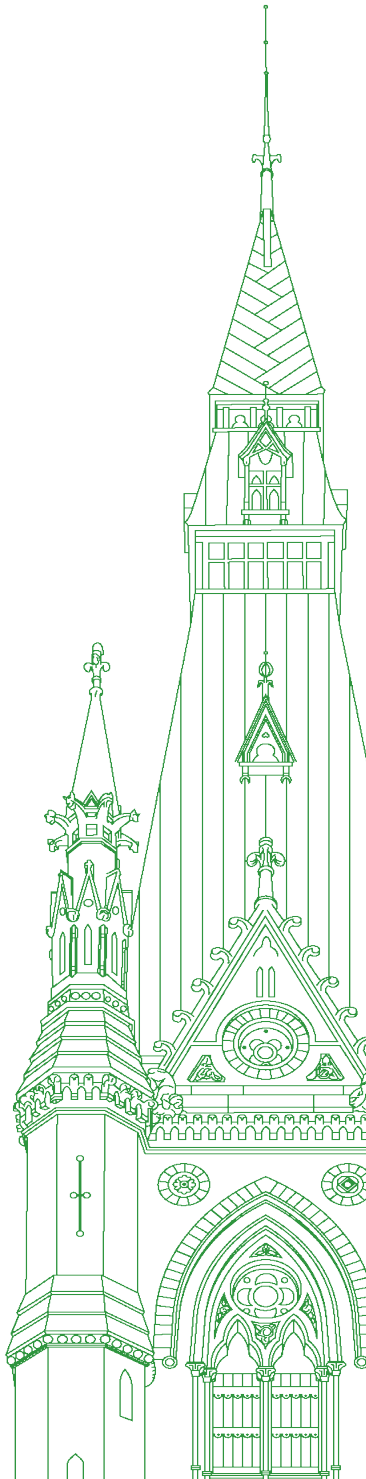

Chair: Mr. Scott Simms

Standing Committee on Canadian Heritage

Thursday, May 6, 2021

● (1835)

[*English*]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): Welcome, everybody, to the 30th meeting of the Standing Committee on Canadian Heritage.

Of course, when we left off at the last meeting, there was an adjournment put forward by Mr. Shields. Therefore, we follow the dots and go back to clause-by-clause consideration.

Before we do that, I would like to point out that I see a multitude of hands in the air, so I'm going to take this in order.

Ms. Harder.

Ms. Rachael Harder (Lethbridge, CPC): Thank you, Mr. Chair.

Mr. Chair, it may be a surprise to you, but I am going to move that we now proceed to debate on the motion that was moved by MP Harder on Friday, April 30.

The Chair: Is that the one as amended?

Ms. Rachael Harder: It's the one as amended, yes.

I believe that when the debate ended, there was another amendment on the floor, but of course the debate resumes with only the amendments that were accepted.

The Chair: You are correct.

Let's get right to it since it's a dilatory motion.

(Motion agreed to: yeas 11; nays 0)

The Chair: Okay, folks, I did not get a chance to say this at the beginning, but I want everyone to know. From the point of view of proceeding with this debate, I ask that you please try not to talk over each other. I really try my best to make sure that Hansard is able to recognize who's speaking. On top of that, the fact that we are in a virtual world makes it very difficult.

I ask that if you want to be involved, please do not shout into your microphone. If you feel your electronic hand isn't enough, you can wave at the screen if you wish, but when you yell into the microphone, somebody's ear is right there. They are the interpreters, and this isn't an easy world for them to be wading through.

The amended motion is on the floor. We have an amendment put forward by Madam Dabrusin, which is where we left off last time.

Madam Dabrusin.

Ms. Rachael Harder: I'm sorry, Mr. Chair. I have a point of order.

Does it not go back to the mover of the motion?

The Chair: My understanding is that it goes back to where we left off. I believe she had the floor.

I'm going to get Aimée for clarification on this one.

Ms. Rachael Harder: Okay, thank you.

The Clerk of the Committee (Ms. Aimée Belmore): If you'd like to give me just one moment, I'll find the actual page number and I will get that right back to you.

The Chair: Okay.

In the meantime, I hope everybody's doing well. In this virtual world we live in, it's great to see everybody. It's very good to see you. This is late in the evening for us here on this happy little island we call Newfoundland, and I'm so happy to see everybody. It's just fantastic.

This goes back to the days when I auditioned for a Vegas act several years ago. It never worked out for me, so I became a politician instead. I have no idea how to fill this gap. As you can see, I'm failing at it miserably.

I see Mr. Manly is there. Mr. Manly, did you have a chance to do a sound check?

Mr. Paul Manly (Nanaimo—Ladysmith, GP): I did not have a chance to do a sound check.

Would you like me to do a song and dance to fill this time?

Ms. Heather McPherson (Edmonton Strathcona, NDP): I would like that.

The Chair: Yes, I'm sure we would. You know what? I'm going to have to call division on that one. As interested as we may be, I may have to call back the clerk to do a sound check.

The Clerk: Would you prefer that I do the procedural advice or the sound check?

The Chair: I think we may as well go straight to debate, and when Mr. Manly comes up we'll try to do the sound check as it occurs in real time.

The Clerk: The answer is that debate usually resumes from the point where it was left, which would be.... The last point we were at was when Ms. Dabrusin's amendment was on the floor.

The Chair: Okay.

Ms. Dabrusin.

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

I am actually going to start by seeking unanimous consent to withdraw my amendment. The reason I say that is that I believe there are some important pieces that we need to be able to move to, in order to review this entire bill and to see the amendments that we are going to be coming to as part of the clause-by-clause. I think that's an important piece that we really need to do.

As a point of clarity, I would like to seek unanimous consent, and then, depending on that result, I would like to go on further to talk about some of the issues that I think are important for this debate.

● (1840)

The Chair: Thank you, Ms. Dabrusin. Let's get to that right away.

Just for clarification, everyone, what Ms. Dabrusin is asking for is unanimous consent to withdraw her amendment. We all remember her amendment. It's been shared by the clerk, so we don't have to go over that. If I get someone dissenting, please say no.

Does Ms. Dabrusin have unanimous consent to withdraw her amendment?

Ms. Rachael Harder: No.

The Chair: Following through on debate, carry on.

Ms. Julie Dabrusin: Thank you. That's unfortunate because there's a lot that we need to get to as part of this clause-by-clause study of Bill C-10. I would like to be able to see us move to it because there are some important amendments that I will be moving once we get to clause-by-clause.

For example, one of the amendments that I think is important for all of us to be discussing and voting upon will be the amendment that Bill C-10, in clause 7, be amended by adding after line 31 on page 7 the following:

> (i.1) in relation to online undertakings that provide a social media service, the discoverability of Canadian creators of programs

Then it continues by adding after line 10 on page 8 the following:

> "(3.1) Orders made—

Mr. Scott Aitchison (Parry Sound—Muskoka, CPC): I have a point of order, Mr. Chair. I'm confused, which is not an uncommon state.

Is Ms. Dabrusin discussing her amendment that's on the floor, or is she proposing new amendments?

The Chair: From what I can glean thus far, she's not proposing an amendment yet. She's talking about her current amendment in that particular context.

As I say, she's not moving anything at this point, but we're free and open to debate so I'm going to let her proceed.

Ms. Julie Dabrusin: Thank you.

I'll continue:

> (3.1) Orders made under this section, other than orders made under paragraph (1)(e.2), (i.1) or (j), do not apply in respect of programs that are uploaded to an online undertaking that provides a social media service by a user of the service—if that user is not the provider of the service or the provider's affiliate, or the agent or mandatary of either of them—for transmission over the Internet and reception by other users of the service.

This amendment would go to restricting the CRTC's order powers for social media web giants with regard to expenditures, discoverability of Canadian creators, programs and financial information for these web giants. However, the other part that's really important to be considering and another amendment that I'm really looking forward to moving once we get to clause-by-clause is going to be that Bill C-10, in clause 8, be amended by adding after line 8 on page 10 the following:

> (4) Regulations made under paragraph (1)(c) do not apply with respect to programs that are uploaded to an online undertaking that provides a social media service by a user of the service—if that user is not the provider of the service or the provider's affiliate, or the agent or mandatary of either of them—for transmission over the Internet and reception by other users of the service.

This amendment would be limiting the CRTC's regulatory powers for social media web giants to business information and registration.

I think it's very important that we—

The Chair: Ms. Dabrusin, I'm going to ask you to hold on for one second. I'll hear Ms. Harder on a point of order.

Ms. Rachael Harder: Thank you.

I believe there's a motion at hand, and then there's an amendment being made to it. I believe that those are the things that are supposed to be discussed right now. The member is talking about a future amendment and not the current amendment that she wishes to make to my motion, which is currently being discussed.

The Chair: Thank you, Ms. Harder, for the intervention.

You're not moving a motion right now, Ms. Dabrusin. Are you?

● (1845)

Ms. Julie Dabrusin: I am not. This is part of the debate as to why I believe my amendment is there and why we need to move forward.

The Chair: That's fine. The only thing I'd caution everyone on is to try to keep this on track. It's hard to follow as it is, in this world that we live in, because it's virtual and all of those things. We have several amendments on the move.

I appreciate the fact that you're not moving a motion right now, and you're talking about further debate. Let's try to keep it as narrow as we can towards what we're debating.

Ms. Dabrusin, once again you have the floor.

Ms. Julie Dabrusin: Thank you.

I won't take much longer. I just thought it was very important that I put this out there. These amendments have been circulated by the clerk to all parties so that they could reflect on them as we debate the amendments and the motion put forward by Ms. Harder. It really highlights, I believe, the importance of moving through to clause-by-clause. It's important that we have a fuller picture of what this bill will look like once it's complete, if we are going to be putting it forward for a charter review. There should be all of the amendments and a full bill, rather than a partial bill, put forward. That was my addition to the debate.

I would suggest that we might, then, put it to a vote to have my amendment withdrawn.

The Chair: Just so that we're clear, we already sought unanimous consent. That did not happen, so we're currently still at your original amendment, which we left off with on Friday.

Ms. Harder.

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

Mr. Chair, maybe I'll just back up here for a moment. I think we seem to have forgotten what motion we're discussing. The motion we're discussing is one that is necessary because proposed section 4.1 in clause 3 of Bill C-10, the bill being discussed, was removed. Because this proposed section was removed from the bill, it therefore presents the question of whether this bill is still compliant with the Charter of Rights and Freedoms. That is the question at hand.

That question can be answered in one way, and that is by allowing this bill in its current state to go before the justice minister, the justice department, for a charter review. At that point, then, a charter statement would be granted to the committee, and that charter statement would tell us whether or not it is charter-compliant.

If the Minister of Justice says that, yes, it is compliant with proposed section 4.1 missing, then we would proceed accordingly. However, if the justice minister says that, no, this bill, with the missing proposed section 4.1, is not compliant with the charter, then it's incumbent upon us, as members of this committee, to pause and make the necessary changes to the bill to ensure that the Charter of Rights and Freedoms is in fact respected, and that Canadians' freedoms are honoured.

The motion that I have put forward, then, asks for that charter statement to be redone and to be provided to this committee. That's the motion that we are discussing.

In order to get that charter statement, it would mean that the committee would need to be paused where it is right now. While it is paused and we seek that charter statement, my motion suggests that we ask the Minister of Canadian Heritage and the Minister of Justice to appear before the committee.

The amendment that the honourable member has made to my motion would suggest that the Minister of Canadian Heritage and the Minister of Justice do not come to this committee. Rather, they'd simply provide a written statement. Her amendment further suggests that instead of pausing right now in order to seek that renewed charter statement, we would continue to debate a flawed piece of legislation, and then we would seek that charter statement at the end.

I would suggest that is a misuse of our time, given that many experts have already spoken out and, I would suggest, argued that this bill is deeply flawed.

One thing that the party in government presents to us over and over again when we ask questions in the House of Commons concerning this piece of legislation is that individual users are protected. Meanwhile, Conservatives contend that's not entirely the case now that proposed section 4.1 has been removed from the bill.

When members of the governing party argue this, they point to proposed section 2.1. Proposed section 2.1 does say that users who upload programs onto social media sites like Facebook, YouTube or TikTok are not considered broadcasters and so are not personally subject to conditions like the Canadian content requirement or the Canada Media Fund contributions that would be imposed by the CRTC on streaming services like Netflix or Amazon, as examples.

That's fair. However, proposed section 4.1 dealt with the program, the content that individuals—you, me, your uncle, your aunt, your mom—upload to social media sites. Proposed section 4.1 originally protected those individuals and their content from being regulated by the CRTC. When we removed proposed section 4.1, when that proposed section was removed from the bill, the protection for the content that individuals place on social media platforms was, therefore, taken away.

● (1850)

Although the CRTC can't treat individuals as broadcasters because of proposed section 2.1, with proposed section 4.1 gone, it can regulate the content—your mom's video, my mom's video, your uncle's video—that is uploaded to social media and perhaps even to apps. The content uploaded by individuals is treated the same as if it were from CTV News or Global, which is wrong. It's just wrong.

Let's just take a moment here. Again there seems to be some confusion in the room. We seem to be discussing proposed section 2.1 as if it does what proposed section 4.1 once did. It's just not true. Proposed section 2.1 is not the level of protection that Canadians deserve. It's not enough. We need section 4.1. We need that section that was taken out. This is what I'm contending for, and this is what many experts have said.

My motion would ask for an official opinion in the form of a charter statement.

Let's go back a moment. Just how could the CRTC regulate social media with proposed section 4.1 removed? That seems to be the issue at hand here.

Using the powers in the Broadcasting Act, which is the point of proposed section 4.1, these powers, particularly in proposed subsections 9(1), 9.1(1) and 10(1), could provide the basis for the CRTC, among other things, to adopt regulations that would require social media sites such as YouTube to take down content that it considers offensive and adopt “discoverability” regulations—Ms. Dabrusin used that term—that would make them change their algorithm to determine which videos are seen more or which are seen less. The fines for violating these regulations could be as high as—

Mr. Anthony Housefather (Mount Royal, Lib.): On a point of order—

The Chair: One moment, please, Ms. Harder. I'm sorry.

Mr. Anthony Housefather: I would like to ask the question of relevance. This is related perhaps to the intention of the original motion, but it is unrelated to Ms. Dabrusin's amendment that is now on the floor. There is no link whatsoever between this and what Ms. Dabrusin proposed as an amendment.

The Chair: Folks, I'm just going to say this right now. Hopefully this clears up a lot.

I like to give people a fair amount of latitude as to where you can go on this. As much as I encourage you at times to think outside the box, you can't wander outside the warehouse and start drifting off into other places that we don't really need to be, given that we are very focused here on a motion with its consequential amendment.

That being said, Ms. Harder, I give you the floor again.

● (1855)

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

The point is that with proposed new section 4.1 removed, the bill allows the CRTC to regulate the content that an individual might post on their YouTube channel or their Facebook page or in a TikTok video that they might put up.

I have stated that I am contending for a new charter statement. Ms. Dabrusin has put forward the amendment that we not do that until the end of the bill. I believe that it is absolutely essential now because of the damage that can be done to individuals and to their ability to speak freely within what we now call the "new public square" that is social media.

Because that impact is so severe, we have to stop now and consider whether or not this is actually in alignment with the Canadian Charter of Rights and Freedoms—particularly with section 2(b), which of course protects thought, belief, opinion and expression.

That is what I'm contending for, but there are many experts who would also contend for this. They would say, "Whoa, this bill in its current state goes too far." It is incumbent, then, upon the members of this committee to push the pause button and seek a legal opinion. That legal opinion comes in the form of a charter statement.

I'm talking about Professor Michael Geist, Emily Laidlaw, the former CRTC commissioner Peter Menzies and many individuals—

Mr. Anthony Housefather: On a point of order, Mr. Chair, on relevance, Ms. Dabrusin's amendment does not speak to removing the charter statement that is being requested, but now we're debating whether a charter statement is required or not.

The Chair: Folks, I'd like to ask everyone again. I don't want to make judgment calls each and every time this happens. When I say to someone that you can think outside the box a bit, I'm going to still provide some of that leniency. I'm asking everyone here to focus on what is at hand.

Thank you.

Ms. Rachael Harder: Thank you.

I didn't realize that the supposed motions that could possibly be brought forward in order to amend this bill were relevant. Meanwhile, the things I'm talking about are in the bill as it currently stands, and somehow Mr. Housefather doesn't find them relevant.

I'll continue.

I believe that voices of experts are worth hearing and that they are worth tuning into. Therefore, as we consider my motion, and as we consider the amendment to the motion, which would try to put a pause on what I'm asking for, I would like to show why it is urgent that we do, in fact, seek this renewed charter statement.

The original charter statement directly cites the social media exemption in its argument that the bill respects paragraph 2(b) of the charter. Because that proposed subsection has been removed from the bill, then it can be argued and should be argued that the bill no longer holds up to the Charter of Rights and Freedoms. Experts are warning of this. They are warning that, with the amendments to the bill, it could give too much power to the CRTC to regulate or control what we put on our social media pages. Again, it's an infringement on our charter rights under paragraph 2(b), an infringement on our freedom, and therefore, I would say, it is thwarting our ability to engage in what is now the public square, and that's wrong.

Former CRTC commissioner Peter Menzies said about Bill C-10 that it "doesn't just infringe on free expression, it constitutes a full-blown assault upon it and, through it, the foundations of democracy." That's a pretty big statement. That's big. That seems reason for moving to a charter statement immediately, rather than waiting for several weeks.

Furthermore, Laura Tribe, executive director of OpenMedia, had this to say. She said, "Voting for Bill C-10 in its current form will give the government the power to regulate speech on the Internet. C-10 was supposed to be about supporting artists and creators. But this Bill has totally lost the plot."

That's interesting, because in the House of Commons, in question period, the Prime Minister has stated numerous times, and the Minister of Heritage continuously states that is what this bill is about: It's about supporting artists and those who create content. Actually, artists are able to exist and thrive when their charter rights and freedoms are most protected. If we move forward with this bill in its current state, and it does in fact breach the Charter of Rights and Freedoms, then it's not helping artists and those who are creative. It's actually applying greater restrictions to them. It's hindering them from being the creative beings that they are meant to have the ability to be. It's actually inhibiting their ability to put the content out there that they would wish to put out there. No, this doesn't support struggling artists, as the government would want Canadians to think.

Ms. Tribe goes on to say, "For a country that made a department dedicated to 'innovation'—it's amazing to watch how regressive, overreaching, and oppressive their policies have become.... This government is a straight up disaster for Canada's internet."

James Turk, the director of the Centre for Free Expression at Ryerson University, said, “The Trudeau Government is planning to give the CRTC the right to regulate user-generated content on sites like YouTube by amending Bill C-10—a dangerous government overreach that must be stopped.”

● (1900)

Timothy Denton, a national commissioner of the CRTC from 2009 to 2013 wrote:

> The freedom to communicate across the internet is to be determined by political appointees, on the basis of no other criterion than what is conducive to broadcasting policy—and, presumably, the good of our domestic industry. As always, the interests of the beneficiaries of regulation—

Mr. Anthony Housefather: I have a point of order.

Mr. Chairman, I would again come back to the fact that this is entirely unrelated to Ms. Dabrusin's amendment. We are now speaking to Ms. Dabrusin's amendment. I appreciate the latitude, but this is now going far afield.

The Chair: When she started, she started talking about the Charter of Rights and Freedoms, which Mr. Dabrusin's amendment at the very first paragraph eliminates in its entirety. I'm sorry, but I'm going to let her finish with what she just said.

I don't know where Ms. Harder's going with the testimony of the person that she just brought up, but I'd like to ask her to try to keep it within the confines of what Ms. Dabrusin's amendment contains.

Thank you very much, Ms. Harder.

Ms. Rachael Harder: Since I was interrupted, let me rebegin with that quote:

> The freedom to communicate across the internet is to be determined by political appointees, on the basis of no other criterion than what is conducive to broadcasting policy—and, presumably, the good of our domestic industry. As always, the interests of the beneficiaries of regulation are heard first, best, and last. Consumers and individual freedoms count for little when the regulated sector beats its drums....
>
> For the narrow clique of broadcasters, CanCon producers, and their lobbyists, it is always all about broadcasting. For Canadians, however, it is about the right to use the internet to communicate. We do not have to have our freedom of speech squelched by a government determined to protect an obsolete industrial structure.
>
> Forget about “broadcasting”: C-10 is clearly intended to allow speech control at the government's discretion. Ignore the turn signals, look at where the wheels are pointed. They are pointed at your right to communicate freely by means of the internet.

Dwayne Winseck, who is a professor at the school of journalism at Carleton University and director of the Canadian media concentration research project, states, “I support the idea that online video-on-demand (OVOD) services can be regulated, as Bill #C10 contemplates, but...the bill was already a mishmash of dishonest representations of OVOD services as b'casting (they are not)”.

He continues, “Proposed amendments adopted unanimously [at the committee]...would drop that distinction & sweep user generated content under the new broadcasting act...a terrible idea, not least because it subjects individuals' expressions to the [greatest] low” and “W/o these guide rails, the disc of #C10 is being driven by lobby groups & think tanks tied to incumbent telecom & media industries interests & the Liberal Govt+a tiny group of academics poorly versed in the terrain they seemed to have gained unwarranted authority to speak on.”

Emily Laidlaw, Canada research chair in cybersecurity law and associate professor of law at the University of Calgary, has this to say: “While broadcasting regs used to be about programming related all our favourite TV shows, news, sports, it would now cover that home video of your kid winning a track meet that you uploaded to YouTube. Here’s the free speech problem: Bill C-10 forces social media companies to censor speech. While you might think—hey it’s a cesspool and we should clean that up—remember this is broadcasting reg, not all the other regulatory qs about online harms...platform power or data protection. Why does it force social media companies to be censors? Because of the reg it requires. The only option to comply with Bill C-10 is for social media to heavily reg content”.

She goes on to say, “I am genuinely shocked by this. What does subjecting individual YouTube videos to CRTC regulation achieve in terms of regulatory objectives? These kinds of blunt approaches wreak havoc on internet governance, especially through a human rights-centred lens.”

Again, I would draw this committee's attention to her very important words there: “human rights-centred lens”. Here in Canada, our rights are largely guided by the Canadian Charter of Rights and Freedoms. That charter, under paragraph 2(b)—and I have a copy.

Mr. Housefather, please don't call a point of order. It's just the Charter of Rights and Freedoms.

It says this:

> 2 Everyone has the following fundamental freedoms:
>
> (a) freedom of conscience and religion;
>
> (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
>
> (c) freedom of peaceful assembly; and
>
> (d) freedom of association.

Let me draw your attention to paragraph 2(b) again, which, of course, is the subject at hand: “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication”.

● (1905)

This is our charter. This is Canadians' charter. This is the document that was put in place by the former Trudeau in order to protect our rights and our freedoms as Canadians.

The responsibility of this committee is not to kowtow to industry stakeholders. The responsibility of this committee is to adhere to the Canadian Charter of Rights and Freedoms and to contend for Canadians. They are the ones who elected us. They are the ones who have entrusted us with the responsibility to advocate for them.

For this committee to continue forward without taking this responsibility seriously is to bring shame on us. To suggest that we should just continue ramming this legislation through, that we should just continue considering one clause after another without giving sober second thought to whether or not this legislation does indeed continue to abide by the charter is wrong.

Mr. Michael Geist is a lawyer—

● (1910)

Mrs. Marie-France Lalonde (Orléans, Lib.): On a point of order, Mr. Chair, I would like to know the relevance of Ms. Harder's comments.

Also, could you please read back to us what we're actually debating Ms. Dabrusin about? Could you actually read that motion to show the relevance of Ms. Harder's speech versus what I understand Ms. Dabrusin's amendment to be?

The Chair: I'm going to do a couple of things at this point. Thank you, Ms. Lalonde.

Let me start with the second part. Ms. Dabrusin is amending the original motion as amended. I know that sounds confusing. Let me try that again.

Ms. Harder had a motion. It was amended by Ms. McPherson. The amendment that was already accepted was specifically about the 10 days, that there would be a maximum of 10 days for doing that, which is what Ms. McPherson brought in. It was accepted. It was amended, and here we are at this point.

Madam Dabrusin brought in several amendments, chief of which was that the first part was to be negated, the part that talks about the Charter of Rights and Freedoms and down to part (c). In other words, the part that says "suspend clause-by-clause consideration of Bill C-10", which Ms. Dabrusin would like to amend as well. Plus, she wants to bring back, to have explained in writing, what both the Minister of Justice and the Minister of Canadian Heritage would like to reply to this, as soon as possible after clause-by-clause is completed.

I hope that clears things up substantially.

Ms. Harder—

Ms. Julie Dabrusin: Mr. Chair....

The Chair: One moment, Ms. Dabrusin. I'll soon be finished.

One thing I wanted to point out to Ms. Harder earlier was that I felt she was drifting towards her original motion, which may lead to repetition from the first time that she debated, so I would ask her to stay within the confines, as was pointed out earlier, of Ms. Dabrusin's amendment amending her motion.

You have the floor now, Ms. Dabrusin.

Ms. Julie Dabrusin: Thank you, Mr. Chair. I would just point out, though, that I have sought to withdraw this amendment, so this entire debate about why she is so opposed to this amendment makes no sense. If Ms. Harder is so opposed to it, I would suggest that perhaps we could just actually have it withdrawn, but I believe that she opposed that withdrawal.

The Chair: Thank you, Ms. Dabrusin. I think we're veering into debate a little bit.

For the sake of clarity, yes, we earlier saw that.

Anyway, let's go back to Ms. Harder. She has the floor.

Ms. Rachael Harder: Mr. Chair, without the motion that I put forward.... It houses, if you will, the amendment put forward by Ms. Dabrusin, so if we consider strictly the amendment—in other words, just those key little phrases that say "in writing" instead of "appear before the Committee" or "as soon as possible" instead of "10 days"—I guess all I would be talking about then is writing.

I could talk about writing. I'm happy to talk about writing. Would we prefer that we talked about "writing"? That's one word in her amendment. "As soon as possible" is another—

● (1915)

Ms. Julie Dabrusin: I have a point of order.

The Chair: We'll go back to you in one moment, Ms. Harder.

Ms. Rachael Harder: No. Listen. I'm seeking verification—

The Chair: Ms. Harder, please, I'm asking you, number one, please don't yell into your microphone.

That's what happens when we elevate the conversation.

Ms. Rachael Harder: I'm sorry. You have my apologies.

The Chair: Number two, on a point of order, I have to cut it off at that and listen to the point of order. I do it for you, and now I have to do it for Ms. Dabrusin.

Ms. Rachael Harder: Yes. I apologize.

Ms. Julie Dabrusin: The point is that I would think the debate would be why the amendment can't be withdrawn and not why it is a bad idea, given that in fact I sought to withdraw it.

The Chair: I'm sorry. I think we just had an interpretation issue. I'm assuming that it's cleared up now.

Let's go back to Ms. Harder.

Ms. Rachael Harder: Thank you, Mr. Chair. I certainly didn't mean to raise my voice. I do apologize.

My point is this. If we restrict ourselves only to the few words that make up the amendment, then the only words that I am permitted to debate are "explain in writing" and "as soon as possible after clause by clause is completed". Those are the only phrases that I would be permitted to debate or discuss.

Mr. Chair, I think you would agree with me that it would not make for a productive conversation if those were the only phrases that I was allowed to discuss. Indeed, I do reference the motion that houses the amendment that has been brought forward, as is appropriate to do so, because it is the motion that gives the amendment context. Otherwise, we would all be wasting our time.

I will continue.

Mr. Geist is a legal professor and he has said quite a bit about this piece of legislation. He has raised some very serious, very significant concerns. He says, in reference to the removal of proposed section 4.1, "This is a remarkable and dangerous step in an already bad piece of legislation."

He goes on to say:

> The government believes that it should regulate all user generated content, leaving it to regulator to determine what terms and conditions will be attached to the videos of millions of Canadians on sites like Youtube, Instagram, TikTok and hundreds of other services. The Department of Justice's own Charter analysis of the bill specifically cites the exclusion to argue that it does not unduly encroach on freedom of expression rights. Without the exclusion, Bill C-10 adopts the position that a regulator sets the rules for free speech online.

What he is saying here is that, with the removal of proposed section 4.1, this bill, in its current state, would allow regulators to set rules around free speech, which then infringes upon paragraph 2(b) of our charter. Again, what I'm asking for is that we push the pause button and that we give opportunity for the justice department, for the justice minister, to take a thorough look at this legislation as it currently stands and to determine whether or not it does in fact fall in line with the charter. That's not a lot to ask.

I'm asking the elected officials around the table to give consideration to the rights and freedoms that are granted to Canadians. I'm asking the elected officials around this table to put the well-being of Canadians—their rights—before the interests of industry groups, before the interests of lobbyists, before the interests of friends. I'm asking this group to listen to the voices of experts, but not just to stop there, not just to stop with the voices of experts, but to actually refer this legislation even higher to the Department of Justice, to the justice minister, to seek a formal legal opinion.

Again, I'm not the only one asking for this. There are people who are far wiser than I am who understand this legislation to a far greater extent than I do who are advocating for this.

● (1920)

They include former CRTC commissioners, who, I would imagine, have a pretty good understanding of what is necessary and what would fall within the charter and what would not, and how we should go about this. If they're raising a red flag, then I think it's incumbent upon all of us to do the same.

While Ms. Dabrusin would like to continue to consider this bill in its current state, and while there are a couple of members here tonight who would like to silence my voice and take away the opportunity I have to speak to this important point, I would appeal to the committee that we take this bill and we allow it to undergo a thorough examination. The reason for this is that Canadians have concerns. Ultimately, we are accountable to them. Again, I would say that it is incumbent upon all of us to make sure that the charter rights of Canadians are protected.

One thing I find interesting, of course, is that today there's been an attempt made to silence me. In addition to that, what I've noticed is that whether it's on platforms of public media or in the House of Commons in question period, there is this attempt to silence. There is this attempt to incriminate those who would speak out about this legislation, or even those who would ask questions, maybe even just curious questions, but questions. Heaven forbid that you would ask a question. Heaven forbid that you would disagree. Fall in line.

I have an issue with that. In the House of Commons, any time a point has been raised that has been verified by any one of the experts I listed off earlier, the Minister of Heritage calls it fake news. Well, really, is it fake news? The piece of legislation is right in front of us. Legal experts have spoken out. I don't know that it's fake news. If questions are asked, if curiosity is had, if concerns are raised, the minister refers to those individuals as “extremist”. Really? Since when did we become a country that doesn't allow for disagreements?

Again, the Charter of Rights and Freedoms protects that dialogue. We should be able to have it here at this committee, but Canadians should also be able to have it out there on social media platforms, in what they call the public square.

In addition to that, the Minister of Heritage went a level deeper, took a step lower and launched attacks on me—my personal beliefs, my personal values—because I dared to ask a question about this legislation. That's wrong. Again, I think it says a lot about the minister and his creation of this legislation, and whether or not it does in fact respect the charter. I mean, just the responses within the House of Commons certainly have not. Why would we trust that the legislation itself does? Again, the experts are calling for a review. They're saying this is “dangerous”—their words.

Further to that, Ms. Dabrusin said—and the Prime Minister has as well—that this legislation is crystal clear. They're basically saying that those Canadians and those experts who are raising concerns with this legislation are just silly, they just lack intelligence, and that this legislation is crystal clear that it protects their freedom—crystal clear.

● (1925)

Then, Ms. Dabrusin comes today and talks about amendments that they would like to eventually move should they be given the opportunity to do so. The heritage minister, you know, he promised that it's crystal clear and there is nothing to see here, but that they are also going to amend it.

[*Translation*]

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

Of course, Mr. Chair, you probably know more about this than we do, and the clerk could certainly enlighten us, but it seems to me that in a debate like this, when a member starts repeating the same ideas over and over again, we can raise a point of order and ask them to come back to the topic being debated. I think Ms. Harder has clearly stated her ideas and arguments previously, and she is starting to repeat the same things. I think it's time to step in, Mr. Chair.

[*English*]

The Chair: Thank you, Mr. Champoux.

Again, I'd like to remind everyone of this: Let's try to keep one train of thought moving along in the same direction as far as your interventions are concerned.

Ms. Harder, there were a few times, yes, that we risked repetition, but of course, we do give a fair amount of flexibility here, as you know. You mentioned earlier your motion. Yes, let me be clear: Speak about your motion as amended by all means, but keep in mind that it's germane to what we're talking about right now, which is the consequence of Ms. Dabrusin's amendment.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I have another point of order.

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

Mr. Martin Champoux: There is no interpretation in French right now.

[*English*]

The Chair: There's no interpretation in French. I will just keep talking for the moment until I see you, Mr. Champoux, give me a thumbs-up once you hear that you're receiving your translation or your interpretation in French.

We're good. Okay, we'll go back to you, Ms. Harder.

Just one more thing, regarding Michael Geist, he's Dr. Geist. I'm sure he worked pretty hard for his Ph.D., and he would like to be known as Dr. Geist. Thank you.

Ms. Rachael Harder: Mr. Chair, I very much accept your point. That's excellent. He is Dr. Geist.

My point is this: You cannot, on one hand, say that this legislation is crystal clear and that it clearly protects individuals and their use of social media platforms, while simultaneously saying that amendments are needed and that you're going to bring further amendments in order to create further clarification. If it's already perfect, if it's already crystal clear, then it's good to go, but I think what is being admitted here is that this bill isn't perfect and this bill isn't crystal clear in its protection of individuals and the content they post online.

Again, it is important that we put this forward for that charter review.

I think Ms. Dabrusin would like to move that we have the charter statement at the end of this study, and I've been made aware that perhaps Mr. Housefather intends to move a similar motion that we would move the review to the end of clause-by-clause. Ms. Dabrusin has indicated that she would like to bring forward some other amendments to the bill as we go through clause-by-clause.

No. The review needs to be done now, because we're wasting our time if we talk about a piece of legislation that is so deeply flawed and we wait until the very end to get that review. We need that review now. Canadians deserve to know now. Canadians deserve to have us stand up for their charter rights now. That's not something that you put off. That's not something you wait for. That's not something you get around to when it's convenient. No. We're talking about Canadians' charter rights. We're talking about the supreme law of the land. We're talking about contending for Canadians. We're talking about the Canadians who elected us to be their representatives here in the House of Commons. We're talking about the Canadians who have entrusted us to put good legislation in place on their behalf.

We're talking about people who trust us to protect as much of their freedom as possible and about being able to justify concretely every tiny ounce of freedom that we might legislate or chip away at. We had better be able to justify that, because if we are not able to justify that, if we are not able to show that it is with good reason, then we are on our way to becoming a propaganda machine. We are on our way to becoming like China. We are on way to doing away with free press. We are on our way to doing away entirely with free speech, free expression and the ability to have our own opinions.

Mr. Housefather shakes his head, but history tells me that I'm right.

It's incumbent upon this committee to stop the clause-by-clause. Proposed section 4.1 was removed. It's an extremely important clause. This piece of legislation, in its current state, needs to go to the Department of Justice, to the justice minister, and it needs to be thoroughly reviewed.

Ms. Dabrusin would suggest that we need to be co-operative, that we need to collaborate, but the definition of collaboration that is being implied there is to do what she and perhaps the others on her team want us to do. Collaboration doesn't equal getting your own way. Collaboration means we have the discussion. It means we engage in robust debate. It means that we disagree. I mean, for crying out loud, this is how innovation works, folks. Someone puts forward a hypothesis, someone puts forward an antithesis and then there is a synthesis of new information.

● (1930)

This is how we grow. This is how we engage. This is how we become more sophisticated as a society. To shut that down, to ask us to turn off our minds, to fall in line, that's wrong

As much as I've just spoken of what is required here at committee in terms of respecting the voices that are around this table and allowing for dissent to rightly take place here, the bill at hand is far more about the Charter of Rights and Freedoms held by the Canadian public. It's not just a piece of paper. It's theirs, their rights, their freedoms. Again, it's incumbent upon us to protect them.

I yield the floor.

The Chair: Mr. Housefather.

Mr. Anthony Housefather: Thank you.

Mr. Scott Aitchison: I have a point of order, Mr. Chair.

Before Mr. Housefather takes the floor, can we have a quick bio break? We've been an hour now, and we usually take a quick break at about an hour.

The Chair: Okay, Mr. Aitchison, we can do that.

Folks, it's five minutes, and we'll start whether you're here or not.

We'll now have a five-minute suspension.

● (1930)

_____(Pause)_____

● (1935)

The Chair: We'll pick up where we left off on this. Once again, we are now discussing the amendment put forward by Ms. Dabrusin.

Mr. Housefather.

Mr. Anthony Housefather: Thank you, Mr. Chairman.

The previous speaker talked about respect. One thing that I've been very proud of as a member of this committee is that, until today, I found that the members of this committee showed incredible respect toward one another. There was never a time where someone asked to withdraw an amendment and unanimous consent was not granted.

What happened today was that Ms. Harder refused to grant unanimous consent for Ms. Dabrusin to withdraw an amendment that Ms. Harder is actually against, and then she proceeded to speak for an entire hour, wasting the time of the committee. We're not even going to get to the motion that Ms. Harder put before us because there's an amendment from Ms. Dabrusin that Ms. Dabrusin doesn't even want us to debate any longer. It's totally not acceptable.

Mr. Chair, I'm sorry. I'm very disappointed, and because I feel that this will just continue perpetually—and there's no purpose in debating Ms. Dabrusin's amendment because she does not even want it debated—I move to adjourn debate on Ms. Dabrusin's amendment.

● (1940)

The Clerk: Just to be clear, adjourning debate on the amendment effectively adjourns debate on the entire motion.

The Chair: That's correct.

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

The Chair: The debate is now adjourned.

As we pointed out earlier, that adjourns the motion and the debate itself. Now we go back to the other regularly scheduled programming, which was of course clause-by-clause consideration.

I see a lot of hands up. Since we have done a reset here, I'm going to ask that everyone put their hands down. Otherwise, I'm going to assume there's a point of order at some point. We're now proceeding to clause-by-clause.

Mr. Aitchison, go ahead.

Mr. Scott Aitchison: I'll make the point of order, because I want to be sure that I truly understand what just happened there. Mr. Housefather moved to adjourn debate on Ms. Dabrusin's amendment. By doing that, did it actually adjourn debate and even a vote on Ms. Harder's original amendment?

The Chair: No. It just adjourned the entire debate. We started off with a motion that amended a motion. Then we picked it up.... We brought back the debate we had earlier. Now we've discussed Ms. Dabrusin's amendment, which was what we were debating in the last meeting. We started the debate again. What Mr. Housefather moved was the adjournment of the debate, which includes the motion and all that wrapped up within it, and now we go back, as I mentioned earlier, to regularly scheduled programming, which would be—

[*Translation*]

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Mr. Chair, a point of order.

[*English*]

The Chair: Carry on, sir.

[*Translation*]

Mr. Alain Rayes: Either the interpretation was not good or there was some confusion. What I understood when I voted was that Mr. Housefather had asked to adjourn debate on Ms. Dabrusin's motion in amendment, not to adjourn debate on Ms. Harder's motion as amended by Ms. McPherson. Could you check?

One thing is clear to me: I did not vote to adjourn debate on Ms. Harder's motion.

[*English*]

The Chair: If you'll recall, our clerk, Madam Belmore, did say that, as a result of the vote, it would adjourn the debate of the motion. She did say that, Mr. Rayes. I hope that made it clear at the time.

Go ahead, Mr. Rayes.

[*Translation*]

Mr. Alain Rayes: No, Mr. Chair. I would like to see the “blues” if necessary, but Mr. Housefather moved to adjourn debate on Ms. Dabrusin's motion in amendment. Perhaps I'm wrong, but I want you to check, because that was my understanding and I voted accordingly.

Perhaps Mr. Housefather can confirm exactly what he said. When the clerk repeated that it was about adjourning the debate on the motion, I understood that it was about what Mr. Housefather himself had requested, which was to adjourn the debate on Ms. Dabrusin's motion in amendment. So can we allow Mr. Housefather to confirm what he said?

I do not think I am mistaken in saying that I did hear Mr. Housefather say that he wanted to end debate on Ms. Dabrusin's motion in amendment. He wanted to ask to adjourn debate on Ms. Dabrusin's motion in amendment.

● (1945)

[*English*]

The Chair: That's right. He did say that, but as a consequence, the standing orders will call for an adjournment of the debate that also includes the motion, which is why our clerk said that to begin with.

Since I'm fairly easy to get along with, would you like Mr. Housefather to respond?

Mr. Anthony Housefather: I'm happy to do so.

[*Translation*]

I can do so in French.

[*English*]

The Chair: Sure.

[*Translation*]

Mr. Anthony Housefather: Mr. Rayes, you're quite right that I moved to adjourn the debate on Ms. Dabrusin's amendment. However, just afterwards, before the vote, the clerk said that this motion to adjourn the debate on the amendment would adjourn the debate on the motion. Since you voted against my motion—and I guess you would have voted against anything—I don't see what difference that makes.

Thank you, Mr. Chair.

[*English*]

The Chair: I'm sorry. Did I hear Mr. Champoux say he has a point of order?

[*Translation*]

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

Mr. Martin Champoux: Yes.

Mr. Chair, I also understood that the vote was to adjourn the debate on Ms. Dabrusin's motion in amendment.

Mr. Alain Rayes: So I wasn't the only one who understood that, Mr. Chair.

[*English*]

The Chair: Hold on. Folks, I think what the clerk said clearly was that we are debating as a consequence....

These are the rules by which we govern ourselves. I'm sorry. She said it quite clearly. Now we have to move on to the other stuff, which is, of course, our clause-by-clause consideration. I trust that's good with everybody now.

Mr. Martin Shields (Bow River, CPC): I have a point of order.

[*Translation*]

Mr. Alain Rayes: A point of order, Mr. Chair. I would like some clarification.

[*English*]

The Chair: One moment, please. I have Mr. Shields on a point of order, and then I have Mr. Rayes.

Mr. Martin Shields: Mr. Chairman, just to clarify, I understand what you're saying, but the will of the group as the motion was made was for a vote on the motion of Ms. Dabrusin's amendment.

Did the clerk have the possibility of saying that it was a vote on Ms. Dabrusin's amendment? Did she have the possibility to say that?

The Chair: I will ask the clerk to repeat what she said prior to the vote.

The Clerk: I did clarify to the committee, because there is no option to adjourn debate on the amendment without adjourning debate on the motion. That's why I clarified.

Mr. Martin Shields: Mr. Chair, I guess we totally didn't understand that.

The Chair: Mr. Shields, wait one second.

Once again, folks, can we not just randomly speak across the board? I might be a stickler about that, but I think it's for a good reason.

Mr. Shields, had you finished?

Mr. Martin Shields: I'm sorry, Mr. Chair. On what I understood, I understand now what she said and I understand how you've ruled. It's just that it's not what I believe the people who were voting as a committee thought they were doing.

I understand your ruling and I understand what the clerk had to say, but I don't believe it was what a lot of the people in the room thought they were doing.

The Chair: Mr. Shields, that's duly noted. Thank you.

Mr. Rayes, you had a point of order.

[*Translation*]

Mr. Alain Rayes: I would like to understand what the difference is between the first vote, where unanimous consent was required for Ms. Dabrusin to ask to have her motion in amendment withdrawn, and the other process where she was able, without having to obtain unanimous consent, to not only withdraw her motion but to stop the whole process. Perhaps the clerk can explain that to me.

Perhaps I am not sufficiently versed in the rules, but with my rational mind as a math teacher and administrator, I can't figure out the sequence of events as far as our rules are concerned. I would like clarification, because from what I am hearing right now, I voted without knowing what the vote was on.

[*English*]

The Chair: Mr. Rayes, since you're specifically asking the clerk, I'll let her respond.

The Clerk: Certainly, sir.

It's just to say that a motion, once it has been moved by a member, belongs to the entire committee. Therefore, a member does not have the right to unilaterally decide that they do not wish to move that motion anymore. As it belongs to the committee, unanimous consent of the committee is required to be able to withdraw it. If unanimous consent is not received, a decision must be taken on the amendment. It can be negatived. It can be adopted. That is why unanimous consent is used for withdrawing a motion.

What Mr. Housefather proposed was a dilatory motion and the motion to adjourn debate. While he did say it was a motion to adjourn debate on the amendment of Ms. Dabrusin, the reason I clarified is that, once you propose an amendment to a motion, the amendment must be disposed of before you can return to consideration on the motion. Therefore, the act of adjourning debate on the amendment also means the act of adjourning debate on the motion.

I apologize if my precision was not more clear, but that is why I did say it before we proceeded to a vote—to be clear that we were also adjourning debate on Ms. Harder's motion at the same time.

● (1950)

The Chair: Please don't look at this as something nefarious that we have cooked up between us. This is the way it works. I'm sorry if there was confusion.

Folks, now we have to move on to clause-by-clause.

I assume that everyone received the newer version of G-11.1.

I'm looking to Mr. Méla to confirm that's where we are starting.

Mr. Philippe Méla (Legislative Clerk): We were sent a new amendment from the government this afternoon, called G-11.1, and it would come just before BQ-23. It would be the first in line.

The Chair: Does everyone have that?

On G-11.1, Ms. Dabrusin, would that be you?

Ms. Julie Dabrusin: That would be me. Thank you.

The Chair: Before we start, can I ask everyone to lower their hands now that I've recognized Madam Dabrusin?

Thank you very much.

Ms. Dabrusin.

Ms. Julie Dabrusin: This was one of the amendments I mentioned earlier this evening. It deals with two separate issues.

It restricts the CRTC's order powers for social media web giants to expenditures, discoverability of Canadian creators of programs and financial information for web giants. This is restricted order powers for the CRTC in respect of social media web giants specifically.

Specifically the wording in respect of discoverability would be that:

> in relation to online undertakings that provide a social media service, the discoverability of Canadian creators of programs;

This will add clarity. When we talked about what the entire bill would look like as we were moving forward on this piece about social media web giants, this adds to that picture about the restricted CRTC powers.

Thank you.

The Chair: Mr. Shields.

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

The department is with us tonight. I would love to have their opinion of what this particular addition means.

If it is the crystal clear piece that the minister has been talking about for days, the crystal that we're looking through, I would like to have the department respond as to exactly the meaning of this particular clause, which we have not had much time to deal with.

The Chair: Mr. Ripley.

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

I would be happy to speak about what the effect of the amendment would be.

What the amendment would do is in proposed new section 9.1 of the bill. It would add an additional order-making power for the CRTC with respect to online undertakings that provide a social media service. That order-making power would only be with respect to social media services. It would give the CRTC the ability to make orders with respect to the discoverability of Canadian creators of programs.

In addition, the amendment would clarify that with respect to social media services, only specific order-making powers apply. There are three of them that are listed.

The first is a reference to an order-making power that was introduced through BQ-21, if I'm not mistaken. That speaks to expenditures to be made by persons carrying on broadcast undertakings for the purposes set out in section 11.1. In other words, the CRTC would have the ability to seek expenditures or financial contributions from social media services.

The second order-making power that would apply with respect to these services is the new one that Ms. Dabrusin laid out with respect to the discoverability of Canadian creators.

The third power speaks to proposed paragraph 9.1(1)(j), which is information-gathering powers that are provided to the CRTC. In other words, the CRTC would be able to seek certain information from online undertakings that are social media services in carrying out its duties. All the other order-making powers listed in 9.1 would not apply to social media services.

Thank you, Chair.

● (1955)

The Chair: Thank you.

Mr. Rayes.

[*Translation*]

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

I would like the officials to explain the difference between this amendment being proposed by the government today, the one we received this afternoon, and the new section 4.1 that was originally proposed and the Liberals removed.

If feels like the government is trying to close the gap that was pointed out almost two weeks ago, even though the minister and his parliamentary secretary have repeatedly said that we were wrong and that it is not true that users are going to be regulated by the CRTC.

I will clarify my question.

What is the difference between this amendment and the section 4.1 that was originally proposed and then removed? I would imagine that the officials and experts in the department had a good reason for proposing the new section 4.1 in the bill in the first place.

[*English*]

The Chair: Mr. Ripley.

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

[*Translation*]

Thank you for the question, Mr. Rayes.

As we discussed earlier, the original section 4.1 was intended to exclude programming uploaded to a social media service by someone not affiliated with that service.

The amendment just introduced by Ms. Dabrusin sets out the regulatory tools in proposed section 9.1 that can be used to regulate social media. These are the three tools I named in response to Mr. Shields' question. The three mechanisms will apply to social media, but the other mechanisms in proposed section 9.1 will not.

I hope that answers your question, Mr. Rayes.

[*English*]

The Chair: Mr. Aitchison.

Mr. Scott Aitchison: I'm sorry, Mr. Chair. I'll actually pass and let you go on to Mr. Shields.

I'm trying to find my points in all this stuff. I have too many pieces of paper in front of me right now, and I am getting a bit confused because this is all going in circles for me.

Could you come back to me?

● (2000)

The Chair: Yes.

Mr. Shields.

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

Earlier, Ms. Dabrusin alluded to the things that she wanted to talk about. I would request that she, then, again rephrase those things now that it's actually on the table. I would like to hear, from her point of view, what she says this has done compared with what had been in proposed section 4.1.

We've had a lot of interesting things in the media, as she well knows. We have had the minister talking about its being “crystal clear”, and now it's going to be more crystal clear. As you can see, we're already struggling with what's clear and what's not.

Could you explain, from your point of view as the Parliamentary Secretary to the Minister of Canadian Heritage, how you view this now as being more crystal clear and different from what it was before? I think you were starting to do that earlier—an hour and a half ago—but I would like to ask you if you would do that now.

The Chair: I have Mr. Rayes next. I don't have Ms. Dabrusin in the queue, but I'm going to go to Mr. Rayes first.

[*Translation*]

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

My question is related to the answer I got earlier from Mr. Ripley, if I'm not mistaken. I would appreciate it if Ms. Dabrusin could enlighten us when it is her turn to speak, since, as parliamentary secretary, she must be quite familiar with this subject.

I am on Twitter right now, and I see a post by Michael Geist. He's an expert in the field who has been quoted here several times. The senior officials will be able to confirm this, but I want to point out that I have never heard the minister or the parliamentary secretary criticize his expertise in the field. I imagine it must be precisely because of his expertise that the government has subsidized many of his projects. He has received several amounts of money in the past two years to continue his research and work in the area of freedom of expression and on various issues.

So, on Twitter, Mr. Geist writes that it's wrong to suggest that amendments G-11.1 and G-13 being considered by the Standing Committee on Canadian Heritage address the concerns about user-generated content. He clarifies that it is not the case, as he mentioned in a previous tweet.

So, I would like someone to explain this to me. The information we're getting is very technical. I'm not an expert in the field, but we have an expert here who is following this very closely, regularly posting on Twitter and doing interviews about it. He tells us that these amendments don't match what the Liberal government is implying with Bill C-10, and that they don't protect users who upload content to social networks. I'm not an expert, but I'm trying to figure this out myself. We are getting tons and tons of letters. Former commissioners, experts, and university professors are commenting on the issue and saying that it doesn't make sense.

As we speak, the government is refusing to allow us to get a new opinion from the Minister of Justice that will tell us whether the bill still complies with the Canadian Charter of Rights and Freedoms, now that proposed section 4.1 has been removed.

They are trying to put the blame us, the opposition. On top of that, the minister posted on Twitter that we are obstructing. I would like to tell everyone watching and listening that the one and only reason we are still here talking about this is because the minister had the gall to remove the original proposed section 4.1. He can't even explain to us why that section was originally proposed or why he removed it. He has been insulting us for two weeks, and then, all of a sudden, he tries to add things to correct his mistake.

I'm willing to listen to everyone, but I would sincerely like someone to explain to me how it is that this professor emeritus of law from the University of Ottawa is telling us that amendment G-11.1 will not fix the problem. I don't know if anyone can help me. I'd like to believe the department's experts, but other independent experts are saying the opposite right now.

As parliamentarians, freedom of expression is our responsibility.

Everyone is trying to make it sound like we in the Conservative Party are anti-culture, but that is not true. I am extremely insulted. The minister is watching us right now, and I hope he hears what I'm saying. He needs to stop repeating this to everyone over and over.

Right now, we are here to defend a fundamental aspect of our democracy, freedom of expression. We have experts stepping up and raising red flags. Some Canadians are concerned. I feel it's perfectly legitimate for us to stand up, ask questions and require further clarification, although the Liberals are trying to stop us from doing that right now.

● (2005)

[*English*]

The Chair: Madam Dabrusin.

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

I hear a lot of mention and discussion about experts, but I think it's interesting that in this conversation I don't hear the Conservatives referring to other experts as well who have been very much in support of the approach we've taken, including Pierre Trudel and Monique Simard, who put their opinion in Le Devoir recently.

[*Translation*]

I'm talking about their article “Pas de risque pour la liberté d'expression avec le projet de loi C-10”.

[*English*]

Also, Janet Yale worked with Monique Simard on the Yale report, in which it was also recommended that social media be included in our modernization. There are experts who, perhaps, Mr. Rayes would also like to consider when he's talking about this.

[*Translation*]

Pierre Trudel is a professor in the University of Montreal's Faculty of Law.

[*English*]

He is quite an esteemed expert as well.

As far as the original point is concerned, I will reiterate that proposed section 2.1 remains and has already been confirmed as part of this bill, and specifically—

[*Translation*]

Mr. Alain Rayes: A point of order, Mr. Chair. There's no more interpretation.

[*English*]

The Chair: That's from English to French, I gather.

[*Translation*]

Mr. Alain Rayes: Yes.

[*English*]

The Chair: I'll just keep talking until you give me the thumbs-up and then we'll be ready to go.

Ms. Dabrusin, as you were.

Ms. Julie Dabrusin: Proposed section 2.1 was confirmed by this committee in the bill, and it specifically excludes user-generated content.

When we got to clause 3, the Conservatives had in fact proposed an amendment that would have included social media web giants within the modernization of the Broadcasting Act. That was amendment CPC-5, I believe.

Then we moved on. Proposed section 4.1 was removed, and we have been very clear that when social media web giants are acting as broadcasters, they ought to be treated as a broadcasters. There shouldn't be a free pass for social media web giants.

I have been very clear, when I have been talking about how we're proceeding through this bill, that we move clause by clause, because we're moving sequentially through the bill, but ultimately the bill must be considered in its entirety and, as we move through the different sections, we need to be talking about what the different sections entail.

We are now in the order-making section of the act, the CRTC order-making powers. What this amendment that I am moving does is it shows clearly that the CRTC's order-making powers would be restricted to when we're talking about social media web giants that are acting as broadcasters. The powers would be restricted, as set out in this amendment, to the expenditure obligations that had been put forward in amendment BQ-21, the financial information being provided by the web giants and discoverability of Canadian creators' programs. That is how that fits into the picture.

It doesn't replace something earlier in the act. It is part of the review of the bill in its entirety when we're looking at the order-making powers. It just helps to clarify those as part of a full act.

As we go, all of the parties have proposed amendments and will continue to add more so that we will have a fulsome bill once we have completed our clause-by-clause, which I am so happy we are finally at that point of being able to do.

Thank you.

The Chair: Mr. Shields.

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

Just following up on that and some of the aspersions that have been placed on us by people saying that we're not interested in culture, protecting culture and being part of culture, I have my membership for the National Arts Centre here. Do any other members have one for the national art gallery? I'm an MP and I don't live here, but I have a membership and I support the national art gallery in Ottawa. I'm also a regular attender at the National Arts Centre for plays. I do that within Ottawa. I attend The Gladstone theatre here in Ottawa and the Ottawa Little Theatre.

Those aspersions I'm taking pretty personally, because back in our communities we go to these, but do you as MPs on both sides of this...? Are you members of the national art gallery? Do you go to the National Arts Centre? That aspersion cast on us as Conservatives by saying that we don't support culture, I have a problem with that.

We've quoted many experts tonight—many experts—and I would like you to take just a minute a listen to an expert who I would like to quote. It's through a letter from a constituent I have never heard from before.

She sent me this: “Though my letter is intended for the Government of Canada as a whole, it is [up] to you that my letter must find keeping. First let me begin by apologizing for an inept understanding of [how] complicated cogs and wheels that run the country I reside in. But much like I don't understand the intricacies of how a cellphone works, it doesn't mean that, as a long-time user, I wouldn't be unable to critique it's basic functions and form opinions on whether it is working for me.”

She continues: “I can tell when my cellphone is working, and likewise, I can tell when it is broken. Equally as a lifetime resident of this beautiful country I have felt the failures of my government. I'll be honest with you, this is the first time in my life I've felt such a need to reach out to and inform you of your failings. I don't wish to be rude or crass, simply poignant and direct. With this Covid-19 Pandemic causing so much confusion and destruction in the world I can't say that I know the right move, I cannot even comprehend the stress that must be...[for] those who are expected to make those decisions.”

She states: “And now my government has placed”—or broken—“the final straw, the thing I cannot sit idly by and allow [is] Bill C-10.”

As well, she says: “If allowed to pass, my government would effectively have the legal right to police social media content, produce and distribute approved [agendas, have] propagandas, and have full power of censorship. Slipping it through the [crack of confusion] during a time of extreme [COVID] citizens...amidst a crumbling of political trust, my Federal Government decided now would be the time to gain control over media and internet content regulation. As I've mentioned, I know little in the way of government operations, but...[t]his feels wrong. This feels dictatorial and in fact, in its most basic form and definition Bill C-10 IS non-constitutional. How can it possibly be allowed to pass when it goes against the basic...rights of free speech and expression...that self-same government was elected to protect?”

She adds: “While my government claims that those changes Bill C-10 represents will only apply to 'professional content' this bill would effectively allow them to censor and regulate social media providers and users in Canada. I was shocked upon reading the words of Peter Menzies, the former CRTC commissioner, in an article available on the National Post that said that “[Bill C-10] doesn't just infringe on free expression, it constitutes a full-blown assault upon it...and, through it, [to] the foundations of democracy.”

Finally, she says that, as with some other things federally, our voice “must be respected and there must be consequences for...breaking those...Constitutional Rights by their 'trusted' and elected leaders. I used to feel pride in being a Canadian, and I still do feel [we have] pride to be a part of this land and country. But I do not feel [proud] being a Canadian Citizen under this government. I feel swindled. I feel overlooked. I feel betrayed. And I call for...change. Please restore my faith in this government. Stop the crumbling”—

● (2010)

[*Translation*]

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

[*English*]

The Chair: One moment, Mr. Shields.

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: I hate to interrupt my colleague Mr. Shields, but I would just like some clarification on where we are in the debate. Are we debating amendment G-11.1 now?

[*English*]

The Chair: Yes, Mr. Champoux, we are talking about G-11.1.

[*Translation*]

Mr. Martin Champoux: Thank you.

[*English*]

The Chair: Mr. Shields, did I guess correctly that you're just about done?

As a quick reminder, if you're reading from a letter, you may want to slow down a bit more for the sake of our interpretation.

Mr. Martin Shields: I'm sorry. I wanted to get through it and not hold up people on it.

The point is that we've quoted many experts, and Ms. Dabrusin was again referring to experts on one side of the opinions as we maybe referred to different ones. I just want to bring to light that our citizens are our shareholders. They are our stakeholders. They are why we are here. This is a constituent I've never heard from before, who has never written to an MP before, and I just want to bring that real voice.

We've quoted experts. Ms. Dabrusin quoted experts in support of her amendment. Many experts have been quoted, so I want to quote who I believe are the true experts: the people who read the media out there. She didn't follow me and get this from me. She read it in one of our major media publications, and this is how this person feels in this time of COVID and frustration and confusion. She feels that Bill C-10, from what she has read, really is the last straw.

I just want to bring the voice of a person, a citizen, and how they feel that this piece of legislation personally affects them.

It isn't the experts we've quoted that we think are the doctors and academics. It's a citizen and how she feels. I think that is so valuable. We must not forget that the experts are our voters. They are the citizens in our country. How they perceive this legislation to affect them in their places, in their lives in this country... That's a voice that hasn't been represented when we've talked about experts and this particular amendment.

Thank you.

● (2015)

The Chair: Mr. Aitchison.

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

I guess I'm probably going to speak again about my state of confusion still. What I'm struggling with here, Mr. Chair, is.... I understand that this amendment has been proposed by Ms. Dabrusin, because of the removal of proposed section 4.1, in an effort to make things, I guess, more crystal clear than they were before. I guess I remain frustrated by my confusion about the committee process, because I still think that what we ultimately need to do here is to get that new charter statement on where we're at.

What I would suggest is that perhaps these new amendments Ms. Dabrusin has proposed can form part of our request to the Minister of Justice. We had a charter statement based on Bill C-10 back in November before it came to our committee, and that was all well and good. Then we took out proposed section 4.1, and all these questions got raised. We were told that it was crystal clear. Apparently, it's not crystal clear, and now we're bringing this back. It begs the question: Does this new amendment actually do what proposed section 4.1 did as effectively? Does it do it at all?

I only got this earlier today. I don't think that is entirely fair for a rookie like me to truly get my head around it.

I'll be honest, Mr. Chair. I'm so used to municipal politics, where we can disagree without being disagreeable, where we get along and are all about the good of our communities. I don't have a lot of trust right now. I feel like because I.... I've been called an extremist because I've expressed some legitimate concerns from the people I represent about whether this bill does, in fact, infringe upon freedom of expression. All of a sudden, I'm wondering if I am I not an extremist now and was quite reasonable in my earlier request, because now Ms. Dabrusin has brought this latest amendment forward. Am I not an extremist?

Maybe I'm looking for an apology from Mr. Guilbeault for calling me names. However, if I'm not an extremist and my concerns were legitimate about the removal of proposed section 4.1, then I have to assume that everyone understands that my concern remains on this latest amendment brought forward by Ms. Dabrusin, who last week was telling us that we were all crazy.

Maybe “crazy” is not the word—I apologize—but she was telling us that we were all overreacting and that the Conservatives were spreading misinformation about this situation. Now she is bringing an amendment forward to address those concerns, and I'm just supposed to sit back and say, “Hey, that's great. You've addressed our concerns,” without having a chance to really dig into this.

As I said, I don't know who has the time to do a thorough analysis in the course of a couple of hours in the middle of a regular workday on Parliament Hill, but I certainly don't. I just think that it is unfair to call us extremists one day and say it's crystal clear, and then come back with an amendment, saying, “Oh, this will make it more crystal clear. You have nothing to worry about. Just trust me. Everything will be fine.” I don't. I simply don't.

I don't know if I can do this or not, Mr. Chair, but I would move that we put Ms. Harder's motion back on the table and send this to the Minister of Justice. Whether there are new amendments to replace proposed section 4.1 or not, we've fundamentally changed this bill. Canadians are justifiably concerned. I think we can probably establish that I'm not an extremist and that it's a legitimate question. The justice minister should have a look at where things are at—including these latest proposals that have been thrown at us in the final hours—to see whether, in fact, with these proposals, the charter statement we had before is still valid or whether we need to make even more changes.

● (2020)

I struggle with this, Mr. Chair. I'm not used to being called names by a cabinet minister, but if the concerns were legitimate enough to bring forward a new amendment, then I think the latest amendment that is being proposed should be reviewed by the justice minister as well. We should take the time to do that, because I fundamentally believe, and I think you all do, that doing this right is far more important than doing it quickly.

Canadians expect nothing less of us.

Thank you, Mr. Chair. I hope my frustration wasn't too long.

The Chair: Mr. Rayes.

[*Translation*]

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

Before I ask my next question, I'd first like to get an answer to what I asked the officials earlier. After I asked my question, we went to the next person on the list, Ms. Dabrusin, who took the floor and replied. I don't hold it against you, Mr. Chair, because I know things move very quickly.

My question was about Michael Geist, a recognized expert whose work and statements I have been following. I asked if they thought he had any credibility in this area. I asked not only Ms. Dabrusin, who did not answer me, but also the officials. I'm trying to get my head around the advice of outside experts in any area that is opposed to the advice of senior officials, whom I respect as well. It's possible that there will be confrontations. That's why people sometimes go to court; the parties offer testimony on both sides, and we try to find common ground or a solution.

So I would first like to hear whether or not officials at the Department of Canadian Heritage consider Michael Geist to be a credible expert. Then I'll ask my next question.

[*English*]

The Chair: You had two questions, one for the department and the next one was for Ms. Dabrusin. I'll leave that there. If Ms. Dabrusin wants to reply that's her choice.

In the meantime, here's Mr. Ripley.

[*Translation*]

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

Unfortunately, I'm not here to give my opinion on such an issue, but rather to support the committee by providing technical explanations of its work.

There is definitely a difference between the effect of the originally proposed section 4.1, which was withdrawn by the committee, and the amendment proposed by Ms. Dabrusin. Without the proposed section 4.1, social media that meets the definition of an online business is subject to the act. The purpose of Ms. Dabrusin's amendment is to clarify the three powers of the CRTC that would apply to these online companies. Proposed section 4.1 stated that these powers would not apply to social media that only offered social media programming. Now, the three powers mentioned in Ms. Dabrusin's amendment would apply to these companies.

I think that's the difference between the exclusion that was initially stated in the proposed section 4.1 in the bill and the approach proposed here by the government.

● (2025)

Mr. Alain Rayes: Thank you.

Can I ask my second question, Mr. Chair?

[*English*]

The Chair: Go ahead, Mr. Rayes.

[*Translation*]

Mr. Alain Rayes: Given what Mr. Ripley just explained to us, I think everyone needs to understand the state of mind we're in.

As just explained, proposed section 4.1 initially changed the way the act did or did not apply to social media. It was removed. I think everyone saw the outcry that ensued. Even the NDP and the Bloc Québécois were pressured, so amendments were made to Ms. Harder's motion. We tried to find a compromise by setting a deadline, so as not to delay the process too much. We are asking to pause only long enough to get a new legal opinion from the Minister of Justice, to be clear on whether, now that proposed section 4.1 has been removed, the bill infringes on the freedom of expression of Canadians.

I think everyone understands our frustration. For over a week and a half, we were told that our statements were false. Then Ms. Dabrusin and the Minister attacked us by saying that we were anti-culture and that it was not true that this government decision was hurting users. Now, we feel that the Liberals are subtly trying to calm things down by proposing other amendments without our having the necessary expertise to judge them properly, and at a time when we have lost confidence in this government. Indeed, it has been engaging in demagoguery and spreading confusion by suggesting to people in the cultural community that we are anti-culture. I salute Mr. Shields, who has shown us his love for culture.

I invite Ms. Dabrusin and Minister Guilbeault to come to my riding to talk to my constituents about everything I've done, as mayor of Victoriaville, with my municipal council, to serve our local cultural sector. We have worked on the construction of a cultural megacentre, the first of its kind in 40 years. We have also supported the Festival international de musique actuelle de Victoriaville, as well as the Théâtre Parminou, which performs guerilla theatre, particularly in indigenous communities. We have also set up exhibition halls. These are just a few examples.

So I find it deplorable that we are being attacked in this way by suggesting that we are against culture, when we simply want to defend freedom of expression and the Canadian Charter of Rights and Freedoms, which is our responsibility. Actions like this certainly make us lose confidence in this government.

This brings me to what I wanted to say about University of Ottawa professor Michael Geist. A few minutes ago, he tweeted that Ms. Dabrusin was talking about a new amendment that the government believed would address public concerns. However, as department officials just explained, that's not even close. In fact, according to Dr. Geist, it would create a new power for the CRTC to deal with user-generated content as social media or programming companies.

So you can understand our confusion after we heard this expert say that.

By the way, I'd like to say that it wasn't my intention to put officials in opposition to an expert like that. I understand Mr. Ripley's uneasiness, or at least his response that he couldn't comment on the issue.

When the government attacks us at at time when we want to defend freedom of expression, and in so doing shows partisanship, it isn't just us that it's attacking, but all the experts who don't share its opinion. In fact, the government has changed its opinion along the way, which undermines its credibility in this regard. It's attacking these experts and the Canadians who have written to us. Canadians didn't just write to us. I know of Liberal members who have received feedback from their own constituents telling them that they are making a mistake.

When I read what Michael Geist is writing online, warning us that this isn't true, that this amendment won't address public concerns, and that it will even give the CRTC more power over user-generated content, I'm totally confused.

All we're asking for in Ms. Harder's motion is a new opinion from the Minister of Justice, who is also a Liberal. If the minister is so confident, before we continue the debate on all the other amendments of Bill C-10, which means that this loss of confidence—

● (2030)

[*English*]

The Chair: Mr. Rayes, I am loath to interrupt you, because I have this funny feeling you're on a roll.

Just to clarify one thing, from here on in, in the future, if you want to ask a question of our officials, I am assuming that, once the question has been answered by the department, we're going to move on to the next person. I allowed you to do that because we never really clarified that rule to put what you want to say up front.

Folks, that being said, we have now reached what we consider to be the end time of this meeting, but we have a little bit of grace.

Mr. Rayes, if it's okay with you, we have two more speakers.

[*Translation*]

Mr. Alain Rayes: Mr. Chair, you've brought me back to order and I respect your decision. I wanted to make a point, but I'll stop here.

I just wish Ms. Dabrusin had told me what she thinks of Michael Geist so that we would know whether he was credible or not. It would have allowed us to make a judgment afterwards. However, I have the impression that I won't get an answer to my question, as is usually the case during question period.

[*English*]

The Chair: The reason may be that Mr. Waugh is up next.

We'll have Mr. Waugh. I had Ms. McPherson, but not any longer.

Ms. Heather McPherson: I'll withdraw. I'm just trying to make us go ahead.

The Chair: You have probably just become a champion of many.

Mr. Waugh, go ahead, but we are running short on time.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): I will be short. Thank you, Mr. Chair.

I want to thank Mr. Ripley and the staff. It's been a difficult time. I think this bill is even more of an issue, because—let's face it—it has been three decades since it's been looked at.

As a member of Parliament, I am so proud of our youth in this country. It was a week ago today that all the papers in this country flagged proposed section 4.1. Within the last seven days I have never seen the outburst that I have seen from our youth in our country. I am so proud of those who use social media. A lot of them, as we know, are the younger generation.

As politicians we sometimes forget that we are going to leave the broadcasting bill eventually in their hands. They are going to be the ones who own this. I am so proud of all the young people in this country who have phoned, emailed and written—some of them here even in Saskatoon—to the minister about their concerns on this bill.

It wasn't until last Thursday that it hit the fan. Yes, we've had our experts and Ms. Dabrusin, you had yours. We've talked about Dr. Geist. The experts, though, are the citizens—especially the young ones in this country. For the first time that I can remember in decades, they have stood up and said that's enough. They want free expression. They want to have social media and use it the way they've been using it today. They do not want big government looking over their shoulder.

I was concerned when I asked the question to the current chair of the CRTC, Ian Scott, and he replied back that he needed to go to Treasury Board. Now we're giving them more powers and I know he said at our committee that he can't do anything until he gets a lot more money from the Treasury Board.

I know we are going over time here, but I just wanted to make the point that I am so proud of our youth in this country. Sometimes, as politicians, we forget who we serve. They reminded us in the last 10 days that they are out there, they are watching us and they don't like what they see in this bill. That is evident with the feedback that the current government and all opposition members have received on this bill.

Remember, we have one mouth and two ears. The ears are ringing because the youth in this country have signalled to us, as politicians, that they don't like this bill. They do not like what is going on. We have an obligation to the youth of this country, because they are going to be leading it very shortly.

Thanks, Mr. Chair.

● (2035)

The Chair: Folks, we normally adjourn at the designated time through implied consent.

Mr. Shields, I'm assuming that you're not consenting to that. Would you like to have a few remarks?

Mr. Martin Shields: I'm moving to adjourn.

The Chair: We have a motion to adjourn.

(Motion agreed to: yeas 11; nays 0)

The Chair: We will see everyone tomorrow at one o'clock eastern time.

Thanks, everyone.