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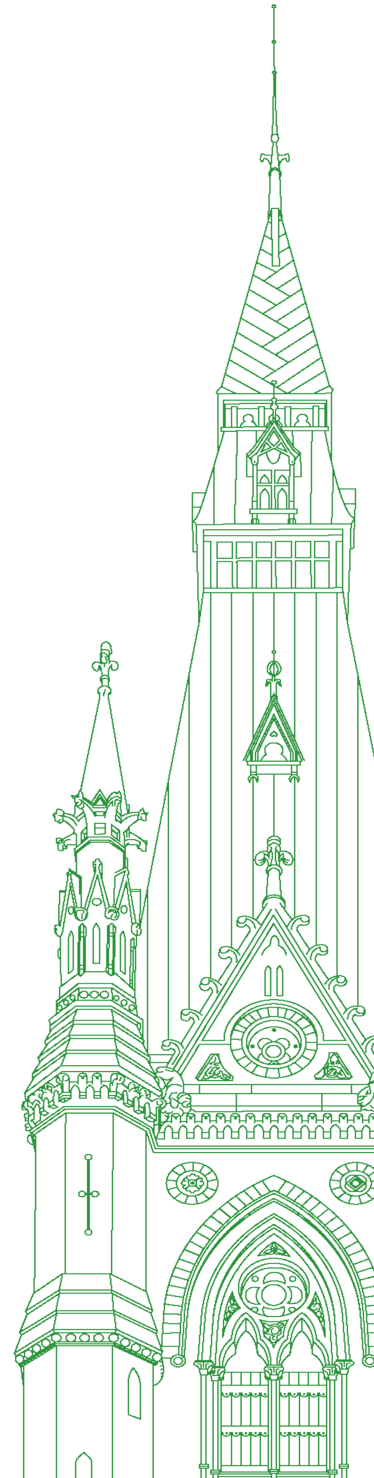

Chair: Mr. Scott Simms

Standing Committee on Canadian Heritage

Monday, May 31, 2021

● (1105)

[*English*]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): Welcome back, everybody, to the Standing Committee on Canadian Heritage. This is meeting number 38.

Pursuant to the order of reference of Tuesday, February 16, 2021, the committee resumes consideration of Bill C-10, an act to amend the Broadcasting Act and to make related and consequential amendments to other acts.

Today's meeting is taking place in a hybrid format. Once again, I'd like to ask everyone for their patience. Let's try not to to talk all over each other because it gets very confusing for the people watching. It gets even more confusing for the people who are taking the record of what we are saying. I appreciate your patience in that.

(On clause 7)

The Chair: Let's dive right into where we left off last Friday. We are now coming up on an amendment put forward by the Conservative Party. That's CPC-9.1, if we all want to turn to our documents.

Mr. Philippe Méla (Legislative Clerk): Mr. Chair, Mr. Aitchison sent an amendment Friday by email. There were two. They are subamendment number 1 and subamendment number 4.

The subamendment number 4 is actually an amendment rather than a subamendment. It would start the day rather than CPC-9.1 because it comes earlier. It adds text after line 2 on page 8, where the amendment from Mr. Rayes comes after line 19 on the same page.

If Mr. Aitchison wanted to move his amendment, it would be the one to start with.

The Chair: It is preceding CPC-9.1.

That is great. Thank you, Mr. Méla.

Can you give me the official numbering on that one, CPC...?

Mr. Philippe Méla: I can't because it was sent by email. I don't have a number for it.

The Chair: All right.

That means we start with Mr. Aitchison who has an amendment for us.

I'm sorry. I have Mr. Rayes with his hand up...or I had Mr. Rayes. I guess he doesn't want to speak now.

Mr. Aitchison, the floor is yours.

Mr. Scott Aitchison (Parry Sound—Muskoka, CPC): I'm happy to defer to Mr. Rayes.

I actually need to find that particular amendment. I didn't realize we were going to be starting with the second one that was inadvertently sent on Friday. I don't have it in front of me right now. If Mr. Rayes would like to speak to it, he is welcome to, but I need to find it before I can speak to it.

The Chair: That means it's not officially moved yet. However, Mr. Rayes, do you wish to move it?

[*Translation*]

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Mr. Chair, I don't know if the confusion stems from the fact that the document that was mistakenly sent contained amendments 1 and 4. Unless I'm mistaken, however, I don't think the idea was to address amendment 4. You'd have to ask Mr. Aitchison to be sure.

Otherwise, I'll follow your instructions and begin with Mr. Aitchison's amendment, which incidentally we've just received by email. Then I'll move amendment CPC-9.1.

[*English*]

The Chair: That is fine.

Mr. Aitchison, do you wish to move this particular motion of yours?

Mr. Scott Aitchison: No, I don't. It was sent inadvertently early. I don't think we're ready for it, so I do not.

Thank you.

The Chair: Mr. Méla, did you want to add something? I saw you motioning towards the microphone.

Mr. Philippe Méla: It's all good. Now it would be Mr. Rayes and CPC-9.1

Thank you.

The Chair: All right. We go back to regularly scheduled programming.

We now go to CPC-9.1.

Mr. Rayes, you have the floor, sir.

[*Translation*]

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

I've been looking forward to moving amendment CPC-9.1 for nearly a week now. I'll read it first and then explain why I was so eager to present it.

This amendment proposes that Bill C-10, in clause 7, be amended by adding after line 19 on page 8 the following:

> 9.2 This Act does not apply in respect of
>
> (a) programs that are uploaded to an online undertaking that provides a social media service by a user of the service—who is not the provider of the service or the provider's affiliate, or the agent or mandatary of either of them—for transmission or retransmission over the Internet and reception by other users of the service; and
>
> (b) online undertakings whose broadcasting consists only of such programs.

With your permission, I'd like to present a summary and history of the bill.

As the minister noted, Bill C-10 was introduced last November. Everyone had been waiting for this bill, under which the Canadian government, through the CRTC, would regulate digital broadcasters such as Netflix, Spotify and Disney+—the ones the minister has named from the start—in a way that would be fair and equitable for so-called conventional broadcasters such as CTV, CBC/Radio-Canada, TVA, global and others. The same would be true for the various radio stations, CBC/Radio-Canada and commercial stations.

Although the government has been in power for six years now, this much anticipated bill wasn't introduced until last November. As has been noted on numerous occasions, the committee has worked hard not to slow down proceedings. We even agreed to conduct a pre-study of the bill in committee both to avoid delays and to enable members to express their views on it in the House of Commons. Discussing a bill in the House is an entirely legitimate process, and it's a member's privilege to do so. It was all the more legitimate in the case of Bill C-10 because we'd been waiting for it for so long and it contained significant flaws, as may be seen from the number of amendments. The witnesses who've appeared, even those who have wholeheartedly supported the bill from the start, have recommended many amendments, and speakers who completely opposed the bill naturally had many amendments as well.

As a result, nearly 120 amendments have been introduced by all political parties and even by the government itself. In fact, nearly one quarter of those amendments have come from the government. The Bloc québecois has introduced 37, the Green Party 37, the NDP 14 and the Conservative Party 15 or so. That's excluding all the other amendments that have been introduced along the way.

A key event occurred a few weeks ago in the course of this process:section 4.1, which was initially included in Bill C-10, was deleted, which raised red flags for many experts. Michael Geist, in particular, discussed it, and I would note that other experts of course expressed views that differed from his. My Bloc québécois colleague said so as well when we finally got a chance to hear from the experts following the presentations of the Minister of Justice and the Minister of Canadian Heritage. Experts for and against Bill C-10 have thus come and told us what they thought of it since proposed section 4.1 was deleted. The bill then turned into something completely different. It wasn't just about digital broadcasters anymore; it was also about social media, platforms and related applications.

Once again I'd like to note that many experts have spoken. An attempt is under way to make us believe that the cultural sector is at war with free speech and net neutrality advocates. There's no such war between those two camps, contrary to what the government would have us believe. We of the Conservative Party think we can reconcile the two concepts, as other countries have done.

It's clear in our minds that the government must support the cultural sector. It also has to pass a bill to ensure that digital and conventional broadcasters are treated fairly. However, I think the government was mistaken in deleting proposed section 4.1 because, in doing so, it attacks users and the content they upload to the Internet.

● (1110)

So the committee's proceedings were brought to a halt. I want to make it clear that, if the government, at the outset, had accepted our initial proposal, that it invite the Minister of Justice and the Minister of Canadian Heritage, we would only have wasted about 48 hours, but the Liberals opposed that proposal.

Thanks to our teamwork, however, we finally managed to succeed. It was even a Liberal member, Mr. Housefather, who submitted a new proposal similar in tenor to what we had initially requested. After the committee's proceedings had been halted for nearly three weeks, we ultimately heard once again from the Minister of Justice and the Minister of Canadian Heritage, and, to our delight, some experts also came and gave us their opinions.

However, people are still raising red flags. Many wonder about all the powers being conferred on the CRTC. They say we want to give the CRTC even more powers. At the same time, experts who had previously worked at the CRTC told us it was unacceptable to delete proposed section 4.1 from the bill from the get-go.

I'm thinking of Timothy Denton, who was commissioner of the CRTC from 2009 to 2013, and Konrad von Finckenstein, the CRTC's president from 2007 to 2012. Peter Menzies, who was vice-president for telecommunications at the CRTC from 2013 to 2018, even said this was a full-fledged attack on freedom of expression and the very foundation of democracy. In his view, it's hard to contemplate the levels of hubris, incompetence or both that would lead people to believe such an infringement of rights is justifiable. He was talking about the minister. I'm also thinking of Michel Morin, who was national commissioner of the CRTC from 2008 to 2012, and Philip Palmer, general counsel at the Department of Justice and head of legal services at the Department of Communications from 1987 to 1994. These are sound, reliable people.

We also had professors such as Michael Geist, whom we all know, but also Emily Laidlaw, professor of law at the University of Calgary, and Dwayne Winseck, professor at Carleton University.

Artists and web influencers also expressed their opposition. In particular, Mike Ward, an occasionally controversial Quebec artist, made a public statement on the subject on social media.

This is a bill that challenges the very basis of net neutrality. It has to be said that, if we agreed to regulate the Internet this way, it would be a global first because no country has gone this far.

We can even raise questions about discoverability. I'm speaking to Quebec francophones here: if other countries like France, which has 67 million inhabitants, or other countries in the Francophonie, which have 400 million, decided to do the same thing, artists here at home would lose their discoverability potential. There are approximately 9 million or 10 million of us francophones in Canada.

According to an article in *Le Devoir*, artists from my region clearly question what the government is doing on social media. They wonder how the government can consider regulating, through an agency, platforms that constantly update in real time. YouTube, for example, can update more than 500 times a day.

With regard to net neutrality, it's important to note that the Prime Minister said in 2017 that net neutrality had to be defended. When she was Minister of Canadian Heritage, Mélanie Joly stated in her cultural policy that the government was in favour of the principle of net neutrality. Navdeep Bains, while Minister of Innovation, Science and Industry, said that net neutrality was one of the crucial issues of our time, just as freedom of the press and freedom of expression had been.

At 6:18 p.m. on May 22, 2018, the present Minister of Justice, but at the time parliamentary secretary to the Minister of Innovation, Science and Economic Development, told the House of Commons the following:

> It is clear that the open Internet is a remarkable platform for economic growth, innovation, and social progress in Canada and around the world. It is essential to a modern digital economy and society. Many activities depend on it, including access to health care, education, employment, entertainment, and more. More broadly, it is vital for freedom of expression, diversity, and our democratic institutions. A flourishing and vibrant democracy is possible only when citizens are able to communicate and access information freely.

● (1115)

It was the Government of Canada, the Liberals, who said these things.

Consequently, we want to give the committee, in all the work we're doing, an opportunity to adopt a provision that would compensate for the deletion of initially proposed section 4.1. That would be like putting a band-aid on Bill C-10, which we believe is fundamentally flawed.

We hear a lot of groups talking. They're entitled to do so, and, I should point out, they represent a lot of people. I'm thinking, in particular, of Quebec's artistic sector, which legitimately advocates in favour of Bill C-10 given the impact it might have on its network. However, I want to clarify one point, and I'd really like everyone, including the people watching us on the web, to listen closely to what I'm about to say.

When the minister introduced Bill C-10, even before proposed section 4.1 was deleted, he said in his interviews, even on *Tout le monde en parle*, that digital broadcasters such as Netflix, Spotify and Disney+ were going to invest nearly $800 million by 2023, if I'm not mistaken, in Canadian anglophone and francophone content, particularly in Quebec francophone productions and first nations productions.

Incidentally, it took us months to access the calculations that yielded those figures. The minister said that the assumption used in the calculations was that the same rules would be applied as those applicable to our conventional broadcasters, but that would depend on what the CRTC decided in the following nine months. So we have no guarantee on that if the bill is adopted. However, the minister made that statement before proposed section 4.1 was deleted, and thus before social media were included in the bill, with all the consequences that entails for net neutrality and freedom of expression. These are two principles that are currently missing and that many fiercely advocate.

If we adopt amendment CPC-9.1, we'll find ourselves back where we started. If the government sincerely wants to help the cultural sector and allow this alleged investment of $800 million or $900 million—the minister even said in some interviews that it might be as much as $1 billion—it has to support this amendment because, otherwise, we'll wind up exactly where it initially said we would.

If it doesn't, I invite the minister to provide us with some new figures. If all the digital platforms and applications are included, it won't be just $800 million or $900 million. Given the rule of three, and considering what he's told us, it'll be much more than that, and so much the better for the artists.

Whatever the case may be, given the deletion of proposed section 4.1 and the government's stubbornness, I think we're jeopardizing this bill.

● (1120)

We're talking about the cultural sector right now. However, we received a document last week. I know the members of the Standing Committee on Canadian Heritage receive a lot of documents, so I can understand why some haven't read them all. Last week, we received a document from the British Columbia Library Trustees Association, an organization that supports and represents trustees in advancing public libraries. I want to emphasize that it represents public not private libraries. This letter was sent on May 13, 2021, and it's one of the documents that all members of the Standing Committee of Canadian Heritage have received. The organization also took the trouble to send it to me personally, with copies to the British Columbia members of Parliament from all parties. The letter reads as follows:

> The British Columbia Library Trustees Association, or BCLTA, founded in 1977, is a not-for-profit society and registered charity. As the association for public library trustees in British Columbia, BCLTA supports and represents trustees in their role of overseeing libraries (which have a collective annual budget of over $0.25 billion.
>
> The BCLTA board has been following the discourse regarding Bill C-10 and is sending this letter to the Standing Committee on Canadian Heritage, with copies to all British Columbia MPs, to communicate our concerns regarding the recent exclusion of clause 4.1(1) from Bill C-10.
>
> The BCLTA board endorses freedom of expression as a core principle of Canadian librarianship. Public libraries are impartial collectors and distributors of knowledge in its many forms, including Internet social media. Because public libraries are fee-free and do not require membership, Canadians regard their local libraries as being key to supporting intellectual freedom and open communication. For many Canadians, their public library is the only place where they can participate in online discourse or create and publish end-user content.
>
> This makes the Internet an essential tool for Canadians exercising their right to freedom of speech. Accordingly, the BCLTA board believes CRTC regulation should not be expanded to include Internet platforms such as YouTube and TikTok, which are just two examples of where Canadians may post content. Clause 4.1(1) allows for the exemption of end-user content from regulation by CRTC.
>
> The BCLTA board encourages the Standing Committee on Canadian Heritage to press for the reinstatement of clause 4.1(1) of Bill C-10.

Why did I read this letter to you? I could've read many other letters that we've received from associations and organizations that have questions about Bill C-10, particularly since proposed section 4.1 was deleted, because that's when a break occurred. Things were very calm before that. People weren't particularly interested in the bill, except those directly concerned by it.

This letter is just one of the many we've received from thousands of Canadians across country. Setting aside partisanship, our responsibility is to represent all Canadians: Quebeckers and the citizens of British Columbia, Alberta, Saskatchewan, Manitoba, New Brunswick, Ontario, Prince Edward Island, Nova Scotia and Newfoundland and Labrador. In short, we represent Canadians across the country.

I heard the minister attempt to portray those who are fighting for this part of Bill C-10 as people who are opposed to culture. When he attacks us as he has done—and I think he has done so in a crass manner—he attacks all the people and experts who have an opinion different from that of the government. That scares me because freedom of expression is at stake. It is incomprehensible that a minister should make such comments when people legitimately make every effort to ask the right questions. Members of Parliament aren't the only ones who have questions; so do organizations like the British Columbia Library Trustees Association, as well as web artists, influencers and users. Approximately 25,000 Canadians currently earn a living from the web without belonging to any association. I'm talking about the artists who create their works without seeking any subsidies from the government. They do their work and live out their passion.

As I said in one of my speeches, this subject is of deep concern to me. Despite the criticism and attacks that have come my way, I haven't gone to bed troubled one single night since we began debating Bill C-10. I've never found it hard to fall asleep because I'm doing what I think, in my soul and conscience, is best, based on all the information I have gathered since we began studying the bill.

I therefore ask members of the committee to let us move this bill forward. I also ask them to cross their fingers and hope the government doesn't call an election. The fact of the matter is that, if an election is held in the fall before this bill has been passed, it won't the Conservatives' fault. We already know that NDP and Bloc québécois members ultimately want to vote for it, and I'd remind you that the government's in the minority.

If the bill is passed, it will be for one single reason. Although the government has had six years to work on it, Minister Guilbeault failed by deleting proposed section 4.1 one Friday afternoon without even consulting us. He failed to keep us informed and didn't work with us, as he had done from the start in addressing this bill. He delayed the process for three weeks before ultimately deciding to come back and testify before the committee, together with the Minister of Justice, in order to advance the proceedings. Now the Liberal government is making every attempt to call an election in the fall. So it will be a lost cause, despite all the work we've done.

● (1125)

If we want the essential aspects of this bill to advance, even though it's imperfect, whether we're for or against certain parts of it, completely for or completely against, if we want to respect all the speakers who raised yellow, orange and red flags, the least we can do is adopt amendment CPC-9.1.

This is a fundamental issue for us. I hope our discussions will help us achieve that result. I'm eager to hear what you all have to say on the subject, not only my Conservative colleagues, but also the members of the other parties. Even though we have differing views on certain points, I know you have opinions on the subject. It's important that you express them if we are to move forward.

We still have many amendments to examine as part of our study of the bill, as imperfect as it may be. To those who feel the bill has been delayed by the Conservatives, I repeat that we have brought the fewest of the some 120 amendments that have been introduced. Apart from our own, amendments have been introduced by the Green Party—and I'm pleased to see the committee unanimously decided to allow the Green Party to take part in the process—by the Bloc québécois, by the NDP and by the government itself. Just imagine, the government brought forward amendments to its own bill. You have to believe all those amendments will help us come up with an acceptable bill.

I'll conclude with one final comment, because I want to give everyone a chance to speak to amendment CPC-9.1 today.

If the government had first listened to the discussions during the clause-by-close consideration of the bill in committee and had appropriately adapted the section 4.1 it was proposing, we would not be where we are today. If the government and its minister had made a cooperative effort right up to the end, as they wanted to do at the very start, we would not be where we are today. If the government had properly done its work over the past six years, we would not be where we are today. And if the government had not signalled that there might be an election in the fall, we would not be where we are today either.

I am asking the members of the committee to adopt amendment CPC-9.1 so we can continue moving forward in our study of this bill.

Mr. Chair, thank you for allowing me to present this amendment to the members of the committee.

● (1130)

[*English*]

The Chair: Ms. Dabrusin.

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

In the spirit of wanting to move things along quickly, I'll try to be concise. The majority of the committee agreed to the removal of proposed section 4.1. That was the decision of the majority of the committee, not just one party here. That was part of a package that included the addition of amendment G-11.1, which restricted the powers of the CRTC and obligations for social media companies. That was a restriction for social media companies to be required to report only their Canadian revenues, to contribute a portion of those Canadian revenues towards the creation of cultural productions and to make Canadian creators discoverable.

We have to look at the bill, as we're going through it, as a whole package, and not section by section. Yes, there was a removal of one section, and then through amendment, an addition of another, which completed that picture. With that, it makes little sense now to go back and start adding other pieces, in particular this amendment. It will in fact only complicate things, given the bill as it has come together, with the majority of the members of this committee agreeing on it, by adding G-11.1 in.

I will be opposing the addition of this Conservative amendment. It doesn't fit within the bill as it has come together and as it has been thought out, debated and discussed by all of the parties here at committee. Once again, the consideration is really not just about the removal of one section in one part, but about the amendments that have been made since that point. I will leave it.

I see there are other people who are interested in speaking to this matter, so I will pass it along. Thank you.

The Chair: Monsieur Champoux, go ahead.

[*Translation*]

Mr. Martin Champoux (Drummond, BQ): Thank you, Mr. Chair.

There are a few points about which I'd like to comment or give my perspective.

Ever since the Friday on which the committee voted in favour of removing proposed section 4.1, we've been able to see the turmoil that resulted. Ever since, I've believe that proposed section 4.1 ought to be reinstated in the bill and amended in a manner that would exclude the regulation of social media users, but not the social media themselves with respect to their commercial broadcasting purposes. For the sake of the cultural industry, the cultural community, and artists, social media must be subject to regulation with respect to their commercial broadcasting activities.

Nevertheless, we afterwards succeeded in putting forward a number of amendments. Even though there were not that many, they got things back on track.

From the very outset, people from the cultural industry and the cultural community, with whom I have frequently held discussions, have been convinced that reintroducing proposed section 4.1 into the bill would be a mistake. They feel that as things stand now, user freedom of expression is in no danger at all.

We heard expert opinions from both sides. As my colleague Mr. Rayes was saying earlier, legal and other experts have given us diverging opinions. In fact, the problem I see with respect to this committee's work is that there are many lawyers and other experts defending a point of view, but we've not heard from the judges. If a judge were to rule on our current debates, it might be easier to find a way of settling our disputes.

In view of the comments made by these experts, I still believe that in the current circumstances, and with the amendments that have been adopted, there is no attack on user freedom of expression. I think it's a mistake to believe that there is and to try to convince people of it.

I'd like to take a few seconds to speak about net neutrality, a subject that's been on the agenda quite often of late.

Here again, on behalf of those listening to us or perhaps watching us online, I want to say that net neutrality has nothing to do with Internet content. Net neutrality is a principle that guarantees that the speed at which my aunt Gertrude's video chats are transmitted is no slower than the speed at which online content from a broadcaster is transmitted.

This principle therefore applies to telecommunications. It applies to service providers who send data through Internet "pipes". Because of this principle, Mr. Champoux's aunt Gertrude's video chats are not transmitted any more slowly than a Netflix program to the same destination.

It has nothing to do with content or with the fact that some people might be discriminated against because of their opinions. It's important to clarify this point.

Mr. Rayes Spoke earlier about artists who earn their living through online media. More and more people are doing just that. Online media give us access to terrific content. People are creative, and that's all to the good. However, based on the standpoint from which I look at the situation, my conclusion is that these artists will be able to continue to create and disseminate their creative work through their platforms. Nothing we are doing now will prevent this or control it. On the contrary, we might even be helping them, if they want it, to acquire more visibility.

The broadcasting act is designed to apply to broadcasting undertakings that have an impact on the Canadian broadcasting system and on the cultural industry. YouTubers or artists who use their own platforms to disseminate content are not affected here.

I believe that these ongoing fears about freedom of expression survive simply because people are being told that it could be attacked. If instead they were told to take the trouble to read what is written in or proposed in this bill, I think many of them would be reassured. At least that's my impression.

● (1135)

The arts and culture in Quebec and Canada urgently need us to continue to study the proposed clauses and amendments of the bill we are studying. We need to do as much as we can in the time remaining.

That's all I wanted to say about this amendment. I too will now give the floor to others.

The Chair: Thank you, Mr. Champoux.

[*English*]

I want to note for those of you watching from afar that we have thrown around a few numbers as to where we are. CPC-9.1 refers to the amendment we are debating, which is from the Conservatives on the committee. Proposed section 4.1 is what we dealt with in an earlier session. We are still dealing with clause 7 right now.

Ms. Harder, you have the floor.

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

I have a few comments with regard to this amendment and bringing back protection for the content that people post online.

One of the interesting things is that, for all the conversation we have had, the debates that have taken place and the opinions that have been sought, unfortunately very few creators have been asked to speak to Bill C-10, which is a shame because it's actually creators who are going to be impacted to a great extent.

I wish, then, to present the words of Scott Benzie, who is the CEO of something called Buffer Festival, an event hosted in Toronto every year that celebrates the creative material being brought forward by artists.

Speaking from that heart, that passion and that understanding of what digital creators put into their work, I'm going to read his statement, because I think it's really powerful. Again I would present to the committee that we really have not done justice to this group. We really have not considered them to the fullest extent. I believe before moving forward they do need to be considered, and with the fact that the censorship of the content they post is going to have such a detrimental impact on them, their well-being and their way forward, it does us well to hit the pause button for a moment and to really consider what that impact is.

Mr. Benzie wrote, “The democratization of media caused by platforms like YouTube, TikTok, Snapchat, Spotify and others has given rise to the quietest renaissance of Canadian Culture in history. Canadians are among The most watched, with the most exported content and the Canadian musicians that have dominated the charts have almost exclusively been Digital First Creators and they are world class.

“With them, Tens of Thousands Canadians of diverse backgrounds, economic status, gender identification and educational level have all succeeded through finding an audience, a niche and a business outside of the 'Canadian Cultural System'.

“So what’s the problem bill C-10 is trying to solve? It’s just that...that these Creators have found success outside of the existing traditional system…this is about money and status. Those inside the system do not consider online Creators 'real' artists, have created a false narrative around what is 'Canadian Culture' and feel they need to be compensated for someone else’s success.

“I would like to touch on 3 major issues with C-10 and how it affects the community at large.

“1. Digital Creators have not been widely consulted, the Minister has repeatedly claimed that “artists” are in support of the bill yet never once accepted an invitation from Digital Creators to engage.”

I'll pause and add my commentary. That's shameful—the fact that this government has not even sought the opinions, the direction or the feedback of digital first creators in putting this bill together, and the fact that at this committee, during clause-by-clause, not a single one of these individuals was invited to the table to offer their insight.

Folks, we're legislators. We've been elected to represent the Canadian people, and we can't even so much as hit the pause button for two seconds here and give consideration or thought to those individuals who are going to be most impacted by this bill. This is a government that claims to be for diversity, for inclusion, and for advancing in the digital world. This bill is a direct attack on all of those things.

I'll resume Mr. Benzie's statement here. He writes, “It is clear he means 'Traditional Artists'. Legislation is being written without any consultation of those being impacted, and being written by people who do not understand the first thing about how money is made, audiences are found and maintained and how discovery online happens (at least not without being propped up by regulation and subsidies). Just because Heritage has heard from YouTube, TikTok etc, does not mean they have heard from creators themselves.”

● (1140)

His second point is this: “Technically the bill is flawed. While promoting Canadian Culture is an admirable goal and one we support. Non organically promoting videos and content on platforms could negatively impact the discoverability of the content. Elevating one video/song over another means demoting someone else's video, who makes that decision? Likely it will benefit media organizations over new and emerging voices trying to break through. That along with definitions of CANCON as a binary from Netflix to TikTok is not only impractical it might be impossible to define and regulate. Additionally CAVCO requires all Creators to be incorporated that will again discriminate against new and emerging Creators. Finally Canada can not take this step and expect fair and equal treatment abroad, if this same step is taken in the US, we will see an end to Canadian online success stories, millions of dollars in revenue for entrepreneurs and a diverse representative Canada, as 90% of all YouTube views (specifically) come from outside of Canada for Canadian creators.”

The third point is on the Canadian cultural system. He writes, “We are being told C-10 is needed to save 'Canadian Culture', but who defines it? For years digital first Creators have been written out of grant applications, told that they do not have a distribution plan because they don’t have a deal with Bell or CBC and have not had access to money through funding organizations even with the honest attempts from those organizations to include them. If there is to be a tax or inputs from the platforms it is imperative that those funds be set aside for the Creators that use those platforms. This is nothing more than an attempt from an industry that is not as important as it once was to get a piece of the pie. Digital First Creators do not have Unions or lobbyists or in house grant writers, additionally unlike conventional producers they do not spend time worrying about the government because their success has not been predicated on it.

“Do not allow those unions to grab money from the platforms and then fund the same programs they always have, in the same way they always have.”

He continues, “Bill C-10 is legislation based on a fallacy of popular Canadian Content. If it is passed Creators need to be at the table while the CRTC cleans it up.

“When we talk about the Canadian Media Landscape the truth nobody wants to talk about is that the sea change is already here. The most popular Canadian Storytellers and media are not traditional anymore. WatchMoJo might be the most successful export Canadian content history and it dwarfs the audience for programs as great as *Schitt's Creek* but I don't see them winning Canadian Screen Awards. Peter McKinnon is probably Canada's most famous photographer. While traditional infrastructure tries to find ways to be inclusive, Molly Burke, Stef Sanjati, Julie Vu, King Bach, Shannon Boodram, Lilly Singh and thousands more have already smashed barriers traditional media are still wrestling with.”

He goes on to say, “I'll just leave a few names in music as well. Justin Bieber, Alessia Cara, Shawn Mendes.

“What they all have in common is they didn't need the 'Canadian Media Industry' for discoverability, they just needed it not to get in the way. I fear we are starting to get in the way when we should be finding ways to enable more voices, more stories, more Canada.”

● (1145)

Those are the words of an individual whose life is consumed with advocating for and understanding working with digital first creators. This is a group that has not been consulted. This is a group that has not been understood, but I think we need to take a step back and acknowledge as a committee is that these individuals will be extremely impacted in a very detrimental way by this bill.

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

Ms. Rachael Harder: There's no such thing as a point of clarification unless the chair wishes to—

The Chair: I'm going to make a ruling. Just wait one moment.

Mr. Housefather, I'm assuming that was you. I just heard a voice.

Mr. Anthony Housefather: It was, Mr. Chair. I was wondering if you could clarify whether all parties on the committee were able to invite witnesses, because it sounds to me as though we're—

The Chair: Mr. Housefather, that's fine.

If you want to get on the speaking list, you can do that. As a point of contention, I suggest you do that.

Ms. Harder, you have the floor.

Ms. Rachael Harder: Thank you, Chair.

When we talk about the digital content that is put online and the fact that this bill, if it moves forward the way it currently stands, will censor that content, we need to take that very seriously for two reasons: one, the impact that will have on artists or creators and, two, the impact that will have on their audience, those individuals who go on YouTube and use it in order to access content.

When it comes to the artists, we have to acknowledge that the greatest artists right now and over the last decade have come up through platforms such as YouTube or TikTok. We're talking about artists who are young, aspiring and diverse. We're talking about individuals who belong to different minority groups, represent different viewpoints and are able to bring Canada to life. However, they won't necessarily make the cut when it comes to being acknowledged as “Canadian content producers” because they don't fit the traditional mould.

When the government steps in and imposes these regulatory measures that insist that Canadian content be bumped up in its “discoverability” and that non-Canadian content be bumped down in its discoverability, first of all, they are starting with a false definition of Canadian content, and then they move on to actually demote or degrade or thwart the success of some artists, because, again, those artists won't make the cut.

Let's take Lilly Singh, for example. She's Canadian, fully Canadian, functioning from Canada and in many of her posts she talks about Canadian issues, but in many of her posts, she talks about her Indian culture and heritage. In some of her posts she talks about other countries. In other posts she talks about things that are just hilarious, not necessarily Canadian content per se, but she's Canadian, functioning in Canada and enjoying a life of artistic success. She'd be punished. If Bill C-10 passed, her content would be demoted. It would be moved to the bottom of the page. Meanwhile—I don't know—maybe basket weaving gets moved to the top because everybody wants to learn about basket weaving.

The fact that this is going to have such a detrimental impact on artists and on creators should cause us as committee members to pause for a moment and to consider the amendment that's been put on the table, because this amendment will protect the content that is produced. It will make sure that these artists have a fighting chance, that they are captains of their own destiny, that they get to determine their success based on the way they perform and based on growing an audience organically. Again, I'll remind the committee that 90% of their audience members are beyond the borders of Canada; they are from all over the world.

If we start putting fences around these individuals, sure, they'll protect some artists, but they will imprison other artists. They will actually prevent them from being able to achieve the level of success that they would be able to achieve on their own.

Artists are not asking for more government regulation. In fact, they're telling me quite the opposite. They're telling me they want the government to get out of the way. They're creators. They're creative. They're entrepreneurial. They're hard-working. They don't want the government to step in and dictate to them what they can and cannot do, and they certainly don't want the government to step in and determine what is Canadian and what is not Canadian and whether or not they make the cut. They just want to continue to create and enjoy an audience and provide something of value to those who would enjoy their talents.

I think the idea of protecting “Canadian culture” is a noble one, but in actuality that's not what this bill would do.

● (1150)

This bill will protect a very small niche group, a little niche group of artists who can't compete on new platforms, a niche group of artists who have lobbyists who apparently have been quite effective within this government, a niche group of artists who rely heavily on government grants. Why do they rely on government grants? If the content is wanted, if the content is desirable, then surely there would be a buyer.

Again, there are many digital first creators who are making a go of it. In fact in Canada over 25,000 Canadians have platforms and through them have organically grown an audience and are able to make over $100,000 a year. This bill will put them out of business.

So much for a government that believes in the digital economy. This bill is a direct attack on that. It's shameful.

I think we have to ask ourselves, then, what defines Canadian culture. What defines Canadian content? What is going to make the cut and what isn't? That definition, we discover, is extremely flawed, again putting an end to so many good Canadian artists.

The amendment that's been brought forward would protect the content that individuals post online. It would protect it from getting bumped up or bumped down. It would protect it from having to go through the scrutiny of being determined Canadian or not Canadian and being given a rating out of 10 on just how Canadian it is.

Further, the amendment we put on the table in terms of the content would not only protect the artists and their content but would also facilitate a person's viewing experience. In other words, when we go online in search of content, we're going to have the freedom to explore based on our desires as audience members rather than being dictated to by a government-designed algorithm.

Again, in its current form, this legislation will result in algorithms being put in place that will move content up or down in the queue and make it available to us based on what the government wants us to see, based on “Canadian content”.

Right now, Canadians go online and they go on YouTube and they access the videos they want using a search bar. Once the algorithms figure out that a person really likes looking at cartoons and learning how to draw cartoon characters, the algorithms generate more content for them that is in line with that. It's great. It curates it for us.

What the government is saying with Bill C-10 is that, no, we don't want it curated for you, Canadians. We don't want it curated for the audience member or the user. No, this government wants to dictate what Canadians should and should not have access to. Instead of algorithms curating a platform for you, the government's going to step in and create an algorithm that's going to curate it based on what they think you should see.

That is a direct attack on freedom of expression. That is a direct attack on our charter rights to be able to access information freely, to be able to express ourselves freely, to be able to hold beliefs freely, to be able to hold opinions freely, to be able to use what is now the new public square in order to have our voices heard and to access the voices of others.

It is absolutely necessary that this bill move forward only with this protective mechanism in place, with the protection of content. Content that people post online should not be regulated by the government.

● (1155)

We already have the Criminal Code in place, which of course protects Canadians by making sure that child pornography, let's say, is not posted online, for sure. That type of legislation is appropriate, but to put legislation in place that will rate, somehow, the Canadianness of something, and then determine whether or not it gets to be posted and where it falls in the queue, is inappropriate. That is totally inappropriate. It is extremely dictatorial. It's an affront to democracy.

Numerous experts have spoken out and said that, so why we're even having this conversation is a mystery to me. It's a no-brainer. We live in a democracy. We live in a free society. We believe people's voices should be heard. I mean, this is the government that keeps saying diversity is our strength. This is their chance to stand by that statement. If diversity is truly our strength, then why wouldn't we want to celebrate diversity of thought, diversity of artistic expression, diversity of creativity? This bill will quelch that like never before.

This amendment is needed in order to protect the content that so many post online. This amendment is needed to protect those individuals who wish to access that content freely. Without this amendment, this bill is an absolute disaster. It is an attack on the Canadian people and their freedom.

I'll end there for now.

● (1200)

The Chair: Mr. Shields.

Mr. Martin Shields (Bow River, CPC): Thank you, Mr. Chair. I appreciate that.

There was a comment made earlier in the meeting that if we had just not said anything different when proposed section 4.1 was gone, if we had just repeated the words of other MPs who had agreed with removing it, we wouldn't have this issue.

It's freedom of speech where we have differences of opinion. That is what this is about. In my opinion, the fundamental piece here is the comment that this controversy arose only because other people had differences of opinion. People have differences of opinion. One particular group, while perhaps made up of a number of different parties that have the same opinion while others don't, shouldn't be dictatorial in the sense that we will automatically have to repeat their words when we may not agree with them. I find it very interesting that somebody would suggest to us this morning that we created a controversy that wasn't there by not expressing the opinions of others that were different from our own.

I think we've agreed in this discussion about funding for culture. I think we've talked about the source of that. The minister in documents indicated about $400 million, but then the document became very redacted in terms of where that other $400-plus million was coming from. It's really interesting that only part of it is verified when he talks about that funding.

It's interesting about funding in the sense that we've all lobbied and many of us have for arts organizations in our communities, as I have for the Calgary Arts Commons in Alberta or the Rosebud Theatre in my riding. The parliamentary secretary will remember that, when she was chair of the heritage committee, a Liberal MP from Alberta wanted to talk about funding. It was very interesting that we found that Alberta received about 5% of the funding that went to arts and culture in Canada. Only 5% went to Alberta. It was a Liberal MP who brought this to committee for us to look at when the parliamentary secretary was chair of the heritage committee.

When we talk about funding, there get to be all sorts of interesting issues that go with the funding. It's not that we're not supportive of funding and it's not that we don't support big major foreign tech companies being taxed for the services they provide, but the minister has said zillions of times how while the Conservatives are supportive they must be in the pockets of those tech companies supporting this. I have not been lobbied by one tech company, but the list of the tech companies and the times they've been in the minister's office is huge. They haven't been in my office. I haven't talked to one of them. When the minister says, “we're listening to the tech companies”, they have to talk to you before you can listen to them, and they haven't talked to me. They haven't sent me any information. They haven't done anything to influence my decision, yet they've been in the minister's office, practically living there they've been there so many times, right at the top of the people who lobby on behalf of the tech industry. They're in his office, not mine.

When we're talking about proposed section 4.1 and we hear about the difference in opinions on net neutrality, if there is a person in between those creators and how it is placed in the world at large, then we're talking about a difference of opinion about what net neutrality is. Someone mentioned that if a judge can do it.... That's where this legislation is going to go. It's going to end up in front of judges. It's going to be there for a long time. For those who have been given to believe that the money is just going to flow and that it's going to come instantly, that's not going to happen because there are going to be judges involved in this.

● (1205)

There's a difference of opinions on what net neutrality is, and that's what 4.1 was protecting, people's ability to do things differently, a creator's ability to do things differently, not the status quo.

People talk about the algorithms of the tech companies out there, and, yes, those are based on data and they drive people to where they want them to go, but that's not what the CRTC does. It's not based on data. Historically it has been based on content, not data.

We know what the algorithms of the big tech companies are for. They're for making money and being data-driven, but that's not the model the CRTC has used for 30 years. It is based on content, so it's not data-driven.

Removing 4.1 took us from being data-driven to a different algorithm, not what people necessarily want but what people are driven to, so that rating system...and it's been interesting as the news stories of this past week have talked about how businesses buy services to get them rated higher, but how there are also services they can buy to take away negative ratings they might have. They might also want to buy that service to take away their competitor by driving that rating.

This is the kind of mechanism we're putting in the hands of the CRTC. It's a mechanism on content driving people to a certain platform—not on data but on content. That's why this is not net neutrality. That's why proposed section 4.1 was important, Mr. Chair. What we need to be doing is protecting.

When there were consultations done by the minister, members of this committee said consultations were done from sea to sea, from ocean to ocean, and that we talked to everybody, but we know that's not true. We didn't talk to those 200,000 creators who are on there. We didn't talk to the 25,000 who are making a living. As was mentioned earlier, they don't have lobbyists, so who was that consultation with? It was with lobbyist organizations, with those cultural groups that have been there forever, not with the new ones.

Social media has changed. It's not the mainline media of print newspapers and CTV, CBC and Global. It's not there. That's not where the younger generation is. They're in a different world, and they didn't speak to those people who've been very successful.

Chair, I think it's of critical importance that freedom of speech be protected. As we express differences of opinions on this committee, we ultimately have to ensure that we protect that for Canadians. They can be successful doing it. We shouldn't have to repeat the same opinions of other people in this committee when we have differences of opinion.

That's what this committee is about. That's what Canadians are about. We should protect freedoms of speech, and this is what we need to do with this piece of legislation.

Thank you, Mr. Chair.

● (1210)

The Chair: Monsieur Rayes.

[*Translation*]

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

I have a short comment to make about what my colleague Mr. Champoux just said. He implied that my proposed amendment CPC-9.1 to section 4.1 did not necessarily affect social networks or content downloaded by social network users.

I'd like to remind him that a memorandum from senior officials delivered to the minister clearly stated that the CRTC would have the power to regulate applications, including audiobooks. We often hear about YouTube and TikTok because that's what grabs people's attention, but also included are Amazon Prime, NHL, TV, TVA Sports en direct, RDS Direct, Sportsnet, PlayStation Plus, and Internet sports workout applications.

This would legally give the CRTC the power to regulate content that users who are not part of an association create privately and share by creating a market.

We are not making this up. A missive received by the minister from his own officials explains why the removal of section 4.1 would have this impact, and we are simply revealing the situation.

By removing section 4.1, the government has given incredible and even mind-boggling power to the CRTC to enforce the act on all social network users and applications, whomever and whatever they may be. In the end, it will create a lot more red tape and at the end of the line, we Canadians and Quebeckers are going to pay the price. This is clear, and it comes from a memorandum from senior officials to the minister.

The minister was well aware of what he was doing. I would like to point out that all content uploaded to the web by users could be regulated by the CRTC, no matter what application is being used. I'm not making this up.

If he hasn't seen it, I'd be happy to give my colleague a copy of the memorandum received by the Minister of Canadian Heritage.

[*English*]

The Chair: Mr. Manly.

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

People might have noticed that I have an amendment coming right after this. It would have been a subamendment, but I can't put subamendments forward to amendments. Basically, it says the same thing except that people would be exempt from this process and their programs would be exempt under the act, except where Canadian creators of programs want to voluntarily choose to be subject to the act for discoverability purposes. The undertakings would be exempt except in those situations where Canadian creators want to be part of the program and voluntarily be subject to the act.

There's been a lot of discussion about how to determine what is Canadian content. It's actually a very simple process. In addition to being a professional musician, I ran an artist management company for a number of years. I had some very successful Canadian artists I did record deals for. I negotiated international record deals and distribution deals and licensing agreements for them. I stepped them through the process of MAPL—the music, artist, production, lyrics process—in determining what is Canadian content for music. It's a very simple process. It's an easy thing to step through and score.

I've also produced documentaries and educational films. When I got a Canadian broadcaster that was interested, that hadn't commissioned a film before it was made but wanted to play it afterwards, I stepped through the CAVCO process. That's very straightforward as well. It's based on a points system. It's really easy to get something certified as Canadian content.

The actual tax credit system, where you get money back, is a little bit more onerous and difficult. You have to engage accountants to step through everything and determine what you're eligible for in terms of funding. If you don't have a big budget to deal with that, it's not necessarily advantageous for small producers.

But that's a whole other thing. The actual determining of what is Canadian content is pretty straightforward. It's in the regulations. Those regulations haven't changed for a long time. I think they do need to be reviewed, but the idea that CanCon actually fences in Canadian artists is erroneous. That's not true at all. In fact, CanCon has made it easier for Canadian artists to be discovered in Canada and have the financial wherewithal to be able to go and expand into other markets.

Take musicians working in Canada. When they're eligible for grants or whatever, or when they're getting airplay, whether it's on commercial radio or on college radio and getting promoted because they're Canadian content, they can tour across Canada and get airplay. It helps them to finance tours going into the United States, where it's harder to break in as an artist if you're not making it through the algorithmic process on YouTube, Facebook or the social media platforms.

I have produced stuff for social media. I've had YouTube videos that have gone viral and had millions of views. I didn't have to bother going through a CanCon process with them. I just let them loose. But I've also had programs that I wanted played on a Canadian broadcaster, so I hopped through that process, which was very simple and easy, just to determine whether or not it met the certification requirements. To have a voluntary system where artists and producers are able to actually determine for themselves whether they want that discoverability, and then have a system where Canadians who are looking for Canadian content can find Canadian content easily through this process, makes a lot of sense for continuing to support Canadian talent—musical talent, film talent and all of these other things.

● (1215)

The CRTC regulations say that programs under five minutes aren't covered under the Canadian content rules. There's no requirement for somebody making a TikTok video or an Instagram video to apply for Canadian content rules, and you can submit stuff for broadcast that is under that limit. It's not required that you meet the CRTC regulation for it.

Of course, those regulations can change, but it doesn't make sense, really, for the CRTC to be doing something that would be detrimental to Canadian artists. The idea that there's a fence around Canadian producers that would be created by these CanCon regulations is ridiculous. The CanCon regulations have helped artists who I've worked with tour Europe, tour all over North America and break into those markets, because they could afford to after making it here in Canada.

I don't know if somebody wants to put forward a subamendment to this one, or we'll just wait and see what happens when we get to my amendment, but I think that having a voluntary process would meet the needs of people who are concerned about free speech and just want to put something out on the Internet, those who want to be discovered as Canadian content and audiences who want to be able to buy Canadian content more easily through a discoverability process, and also have these giant social media companies pay into a fund that helps produce more Canadian content.

Thank you.

● (1220)

[*Translation*]

The Chair: Go ahead, Mr. Champoux.

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

I'll try to be brief. I simply want to respond to what Mr. Shields said a while ago.

He said something very important when he talked about not rejecting other people's opinions in a discussion. I fully agree with him.

Besides which, we took the time to ask questions, listen to the experts and check whether indeed there was anything to worry about in terms of an attack on freedom of expression for users of digital platforms and social media. I think we kept an open mind on this matter. I fully agree that it is important in debates to remain open to the opinions and ideas of others, because the healthy exercise of democracy means that we shouldn't necessarily cling our positions.

I also just wanted to add that when I said that we had no judges on the committee, I was drawing an analogy, an image to say that what we have here is a dialogue of the deaf. Each party is doggedly defending its positions, and I said that it might take a judge to rule on the matter. I am well aware that these issues will highly likely end up in court.

I also wanted to return briefly to Ms. Harder's lengthy monologue. I got the impression that we were being schooled on the quality of the work that had been done by the committee members, and I must say I take umbrage at this. We received 121 witnesses and 54 briefs during the study and preliminary study of Bill C-10. Indeed, I think that the Conservatives were able to invite many of these witnesses, and our colleagues who were there at the time were very effective. When we were began doing it, I think each of the parties did a good job of inviting the witnesses they felt were most appropriate at the time.

Did we invite everyone who should have been heard? I think we would agree that's impossible, but a call was nevertheless sent out to all interested parties across Canada to prepare a brief to state their opinion on this issue. So I think the work was indeed done well and that several issues were raised by people who were not necessarily there during the studies of Bill C-10, and I'll admit that there were moments when this struck a chord with me.

[*English*]

The Chair: Go ahead, Mr. Aitchison.

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

I guess what I'm struggling with here, in all of this, is that there's been so much discussion about what we started with and what we've heard. We've talked about reports from staff. We've talked about experts on different sides of this issue. What I'm finding frustrating about this right now is the argument I'm hearing against the concept of putting proposed section 4.1 back in, or a slight variation of it that we think might capture some of the concerns of the governing party. I'm hearing that it's unnecessary from a number of colleagues, not just the Liberal MPs.

I'm struggling with that. We've now heard from a number of experts and a number of people who say it is absolutely necessary. I'm hearing MPs say that it is unnecessary, because people's protections are already guaranteed in other sections of the bill. What I haven't heard is a legitimate argument to say that somehow, putting proposed section 4.1 back in, or a variation of it like we've proposed today, is somehow damaging to the bill. If it's just simply unnecessary, if you see it as duplication, what's so wrong about a little duplication when it comes to protecting freedom of expression online? Is it really just unnecessary, or is it in some way going to hurt something somewhere else?

You're hearing a pretty clear message, I think, from the Conservative members of this committee that if we do this, we can move on. If it's simply unnecessary—I'm seeing Ms. Dabrusin kind of roll her eyes and giggle, and that's great—then why can't we just agree and move on? If it's somehow going to damage the bill, then tell us what that is, because I see enough credible evidence, from the staff to the minister, from the debate we had with the experts....

This is what representatives of the public do. They listen to the public and they change if they need to make changes. That's what I've heard. It seems as though some of the comments I've heard, particularly from Ms. Dabrusin, about how we've done this and we have to move on....

Maybe that's the advantage I have of growing up in small town politics, where you listen to people. If you make a mistake, you change course. There's plenty on the public record of me making mistakes and having to change course because of something. I can give you all kinds of examples. You change course.

This is, to me, a legitimate question. I'm not used to this partisan game that goes on around here. This is ridiculous. All we're asking for is something that we've heard regularly now from experts and individual creators who use online forums who are concerned about this. If it's just duplication to you, why do you care? We've given you an option here to move forward and help these creators who need this support.

Mr. Chair, I throw the question out there. I apologize that I don't have a particular individual to share it with. I'm just at a loss here, trying to understand if this is just a game or if they're truly concerned that it somehow damages the bill in some other way. I'm kind of lost. I'm hopeful that maybe somebody, if they don't answer that question, could at least give it some thought and wonder what on earth we're arguing about anymore.

● (1225)

The Chair: Ms. Harder.

Ms. Rachael Harder: Thank you.

Just briefly, I've been attacked by a couple of individuals who are on this committee right now, Mr. Champoux and Mr. Housefather, with regard to bringing up the fact that we really haven't heard from content creators.

Then it's been said that I should be silent—sit back down, Rachel—because I had my chance. The members of this committee had their chance to put forward their witness list. That's unfair. That's uncalled for. That's undemocratic. Here's why. Number one, I have a voice, and my voice matters. Number two, I'm a member of Parliament elected by the constituents of Lethbridge, and I'm here representing them. I have not only the duty and the responsibility to do that but also something called parliamentary privilege, which means that I can be here at this table and I can express the concerns that have been expressed by so many Canadians across this country.

[*Translation*]

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

I'll be brief.

I don't know if this really is a point of order, but Ms. Harder is interpreting what people are saying. I don't know where her comprehension went astray, but I never implied that she wasn't welcome here or that she should be silent. I would never dare say anything like that. I respect parliamentarians' freedom of expression.

[*English*]

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

Ms. Harder, you still have the floor.

Ms. Rachael Harder: Thank you.

Number three, in terms of witnesses and whether or not we did or did not call creators forward at the start of this bill, that has zero to do with where we're at now. Proposed section 4.1 was still part of this legislation in the fall, and 4.1 is no longer a part of this legislation. That is what we are speaking to today: 4.1.

With all due respect to my colleagues at the table, it would be appropriate for us at this point in time to hear from those witnesses and allow their voices to be heard, because this legislation has changed significantly. The content of those creators, the content of those digital first creators, will be impacted in a very detrimental way by this bill, because proposed section 4.1 has been removed. It actually is incumbent upon us, as members of this committee, to hear from them. If we can't bring them to the table as witnesses...although we could if it was the will of this committee to do so. If we're not going to do that, then let's at least take the time on our own to go and listen to them, hear from them and bring their voices to this table to read aloud the statements they are putting out there for the public to read. You will see that they are extremely concerned about this legislation and the negative impact the removal of 4.1 will have on them.

Again, what we're talking about here is the removal of something that provided protection for the content generated by Canadians. That protection is gone. What we are talking about here is an amendment that has been brought forward by my colleague Mr. Rayes. He has asked for that protection to be put back in. It's an appropriate request, it's the right request and it's what creators from across this country are asking. But it's not just creators. It's Canadians as a whole. It's the Canadian public who also deserve that. They deserve to be able to access a variety of content that is not dictated to them by the government through some algorithm determined by some bureaucrat in some back office because the heritage minister thought it would be a great idea.

This is Canada. We are not Turkey. We are not Iran. We are not China. We are not Russia. This is Canada. We're a democracy. Why is the government proposing that Canadians be dictated to in terms of the content that they can and can't post and its prioritization or “discoverability”? What we're asking for here is completely reasonable, that we would be able to provide those mechanisms of protection for Canadians so that they can continue to use the public square the way it is intended to be used. That's to share ideas, to share talent, to share one's ability with others and to be able to organically grow an audience. It's also for Canadians to then be able to go and access that content, enjoy those talents, enjoy those abilities and enjoy those artistic expressions regardless of how “Canadian” they are, or whether or not the government approves.

For the sake of democracy, this amendment is a no-brainer. It's a no-brainer. I'm baffled by the fact that we're even having this conversation, that there would be some who would dissent on the protection offered to content, that there would be some who are of the view that Canadians should be censored, that there would be some who would suggest that the voices of some Canadians are more worthwhile than others, that the artistic expression of some should be celebrated more than the artistic expression of others, and that some individuals deserve to be promoted and some individuals deserve to be demoted.

● (1230)

That baffles me. It's sad. The fact that we're not willing to heed the advice of experts who understand this field far better than any individual member on this committee, the fact that we're not willing to give their voices weight and, then, further to that, the fact that we're not willing to hear from creatives themselves, that we're not willing to sit down, listen and understand what it is that they're concerned about.... Shame on us. Canadians deserve better.

The amendment that my colleague has brought forward that would allow for that protection to be put back in place, the amendment that would again make sure that the content that Canadians generate is easily accessed by all, an amendment that would allow Canadians to be able to access the content that they want, rather than the government wants for them—that amendment is worthwhile. It's not like we reached into outer space and brought this amendment forward. It was an original part of this bill. It was once believed to be necessary.

To my colleague Mr. Aitchison's point, we haven't been provided a reason as to why not to put it back in. I'd love to hear that. Ms. Dabrusin is moving her mouth. Maybe she'd like to put her hand up to speak. Through you, Mr. Chair, I'd welcome her thoughts on this, as to why 4.1 was damaging. Why wouldn't we want to protect the content that Canadians post online? Why wouldn't we want to make sure that their freedoms are safeguarded? Perhaps someone could answer that for me, because right now that is totally unclear. Again, I'm confused as to why we would want to become more dictatorial in our approach. I mean, we have the Charter of Rights and Freedoms. Don't we respect that? Don't we honour that? Don't we want to uphold that?

Again, this is the government that says they're for advancing the digital economy and wanting to celebrate artists and all things Canadian and diversity is our strength, so I'm confused as to why changes have been made to this bill that actually attack those things they speak so passionately about. Why the attack on Canadians? Why the attack on freedom? Why the attack on artistic expression? Why the attack on young artists? Why the attack on aspiration, potential, opportunity, furthering oneself, entrepreneurship and innovation? I'd love to know.

Why the attack on those things? Why aren't Canadians being celebrated for what they're bringing to the table? Why aren't they being looked at as amazing human beings who are capable of great things and who don't need big government to step in and dictate to them what they can and cannot say, what they can and cannot post and what they can and cannot access? I'd love to know. Why the low view of people? Why the low view of Canadians?

That's it for now.

● (1235)

The Chair: Mr. Waugh.

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

We've gone an hour and 40 minutes without a break, so I think we can all wait another 20 minutes. I certainly won't speak for 20 minutes, but I want to reiterate what Mr. Rayes and others have said about bringing back proposed section 4.1.

To my dear colleague in the House, Mr. Champoux, I agree that proposed section 4.1 did allow for YouTube to be regulated when it operated as a broadcaster of its own for-profit content. The language of 4.1 said it clearly, but then the department, in December of 2020, in a memo to the minister, clearly stated that YouTube Originals and YouTube Music would be regulated even under 4.1.

I've been quoted several times by the minister in the House and in committee talking about this. Of course, on that Friday afternoon, proposed section 4.1 was suddenly eliminated. I think it's been an interesting conversation, not only today but for the last three weeks. All of our offices, I'm sure, have been inundated with concerns about Bill C-10, and rightfully so. It is an important part of our culture.

I look at the Toronto Sun today, and now we have the federal director of the Canadian Taxpayers Federation doing an attack on culture. That's what we don't want, I believe, in heritage. Now we have creators and culture, so now we have an editorial in the Toronto Sun today, and several comments now, done by Franco Terrazzano. I think as politicians we support our creators. We support our culture in this country, but now all of a sudden what this bill has done is to say, you know, you're a bunch of freeloaders. You've gotten millions of dollars in the past, and now you've been exposed. Many of these groups have lobbied the heritage department over a number of months and years. Now we're seeing the figure that the minister himself brought out of $835 million.

Mr. Chair, we still have some doubts about where that money will come from. I have an idea of where that $835 million will come from. Everyone says it comes from YouTube, and it could come from Amazon, Netflix and so on, but indirectly that comes from Canadian pockets. Don't fool us. That $835 million will come from consumers, on top of what is already put into culture and all the sectors that the heritage department supports in this country. We dearly love the support, especially during the time of the pandemic for the last 15 months. We've seen it. The member for Edmonton Strathcona talks about her constituency and about being viable and wanting to get back to normal and having our culture in the summer and feeding hundreds if not thousands of people in our communities. That's what this is all about.

I must say that Bill C-10 is a disaster now. We need to step back. Let's face it: Tomorrow is June 1, and it may pass the House of Commons but it won't pass the Senate. There's no time in three and a half weeks. This amendment by Mr. Rayes should be brought back in, and for very good reason. Canadian content should be accessible to all—I agree with you guys—but the algorithms will put some ahead and some back. Now we have winners and losers. Who knows? Once you get into the loser category, where you go from there?

Mr. Chair, I just wanted to say that. I won't go on much longer. I used four minutes of the time. I just felt that I should support my colleague Mr. Rayes on bringing back proposed section 4.1.

● (1240)

I think it's a very good amendment to bring back in, because I was quoted several times by the Minister of Canadian Heritage. I thank him for quoting me. “Saskatoon—Grasswood” is what the riding name actually is. He has trouble with saying that at times in the House. When he quotes me in saying that I supported the bill, I did because that's what the bill said in November. Then it was changed in March and April here. I haven't had time to say that on the record, but I think proposed section 4.1 should be brought back in as an amendment.

Thank you.

The Chair: Thank you, Mr. Waugh. I appreciate that.

Just for the record, we're debating CPC-9.1, and we're still on clause 7.

Mr. Rayes.

[*Translation*]

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

This will be my final comment on the amendment I'm putting forward. I'd like to place something in context for the people listening. Very respectfully, I believe that Minister Guilbeault is misleading them when he talks about the web giants. Basically, what people don't like about the web giants is that they monopolize all the advertising revenue without giving print media, whose content is shared on the various networks, their share of the pie.

So, two different things are involved, because the minister did not at the outset want to take this aspect into account in his bill. He even told us, as he mentioned in several interviews, that he had made a personal decision to split up the Broadcasting Act bill and remove some elements, including the sharing of the advertising revenue currently monopolized by the web giants like Facebook, Google and the rest.

He also decided to exclude authors from his bill. God knows that we are all being approached by organizations that defend Canadian authors, and they all think it regrettable that they were not included.

The minister also decided to exclude the CBC/Radio-Canada mandate from the bill, which prevented us from introducing amendments intended only to make sure that CBC/Radio-Canada complied with its mandate. That was so wacky that not so long ago, only a few months in fact, when some CBC/Radio-Canada representatives were testifying before the CRTC, they themselves were asking for legislation on the digital aspect of their work, right in the middle of our clause-by-clause study of a bill on repercussions for digital broadcasters. CBC/Radio-Canada didn't even have an opportunity to talk about it, because it wasn't even defined

So every time we wanted to discuss our public broadcaster in the course of this study, it was impossible because the minister had decided to address it at a later date, for strategic reasons, as we now know. It's a very sensitive issue that he didn't want to address, so he deferred it. It's the same thing for hate speech. He said in several interviews that the bill was coming soon. In the end, we'll never see it, because we all know that elections are coming very soon. He deferred it because he knew that by addressing these issues he would be walking on a tightrope with respect to freedom of expression.

We therefore tried to include social networks along the way without having the opportunity to discuss doing so. As Ms. Harder pointed out clearly, we didn't bring in any witnesses affected because at the outset it was not part of the bill. That's the reality of it. So I feel duped as a parliamentarian. It's true that we welcomed 120 witnesses—I don't want to get the numbers wrong but Mr. Champoux tallied them up and I thank him for doing so—and we all wanted to work very hard and had an opportunity to submit a list of witnesses. But at no time did we feel the need to look for players from the community, namely social network users who are not members of any associations, like influencers who earn their a living from social networks and never apply for grants. I admit that I never thought of inviting them, and I'm sorry that I didn't. It's only after the removal of section 4.1 that it became totally obvious. That's the reality.

We are now being asked to approve this bill and move forward without having really done our homework. I can't agree with that. I'm trapped. I think we could make progress on behalf of of the cultural sector by returning to the essence of the bill that the minister introduced at the outset. I think that he made a serious mistake by attacking us during question period and in his interviews, by implying that Conservatives were being obstructive and anti-culture.

● (1245)

It's not true! The Minister of Canadian Heritage is solely responsible for the mess we are in now.

We now have an opportunity to find a system that is equitable for our digital broadcasters, not for social networks and not for users like ordinary Canadians who share content at home. Even fellow members of my own party regularly have millions of viewers when they share videos. That means that one day, the CRTC could decide to regulate content shared by politicians. If that were to happen, it would have serious repercussions on our democracy.

And the experts who comment on the subject are not just anybody, and deserve to be heard. I'm proud that our party is giving them a voice. I'm proud that one of the political parties in Canada's Parliament is taking the time to listen to these experts and to defend them before this committee, where they no longer have a voice now that the bill has been amended.

I'm going to weigh my words. Sometimes—and I can't imagine that this could really be the case—I have wondered whether this whole process was planned deliberately. At the outset, the proposed bill did not include social networks. Was the intent to remove the initial exemptions excluding social media after having heard witnesses, and reached the clause-by-clause study of the bill, making sure thereby that they would be included?

I don't think so. I'd like to believe that the Minister of Canadian Heritage, whom I know and with whom I've had several conversations, had not planned it this way. It might have been the intent of some of his people, with he himself unaware of it. When we see him defending his own bill in various interviews he has given, he doesn't appear to be aware of all the details. Don't people often say that the devil is in the detail?

When we began analyzing the bill and listening to experienced experts in the field, we began to realize that the minister was simply unaware of all the details. He even said so at one point, and so…

● (1250)

[*English*]

The Chair: I'm sorry, Mr. Rayes.

Ms. Dabrusin, do you have a point of order?

Ms. Julie Dabrusin: We have been out of the warehouse, into different fields in different industries and all around, Mr. Chair. I've been patient, but if we can go back to the amendment....

The Chair: Mr. Rayes, I'm going to ask you not to go far afield on this one, please. There are two things that we risk doing here. One, of course, is going outside the scope of the conversation, and the other thing is repetition, which the Standing Orders strongly discourage.

I would ask that your return to your comments. Thank you very much.

[*Translation*]

Mr. Alain Rayes: Thank you, Mr Chair.

If I did so, then I'm truly sorry. Sometimes passion causes us to diverge somewhat from what we want to say. I don't have any notes and I'm speaking from the heart on this issue, which affects us personally, because as members of this committee, we have studied the bill and have worked hard. I will now refocus on amendment CPC-9.1, and will wrap up if I can have another minute.

I feel summoned to speak because I'm the person who proposed amendment CPC-9.1. I would ask the members of the committee one last time to allow us to move forward and return to the essence of what the minister was asking of us at the outset, which was to find a modicum of equity in the CRTC regulations.

We are not all in agreement on the extent of the powers the CRTC should have. We need to ensure that the act equitably regulates digital broadcasters like Netflix, Spotify and Disney +, as well as conventional broadcasters.

We need to start working on net neutrality again, which we all have a duty to defend. We need to stop being the only country in the world to attack its own citizens' content.

We also need to allow for artist discoverability. I'll repeat that we are 30 million people in a world of billions. If every country did what we do, our creators, who would like to take advantage of net neutrality to get discovered around the world by millions of people, could be shut out. It could put us in competition and limit the ability of Canadian artists to share their creative work with the people of Canada.

It's a bit like the free-trade principle in economics. Give us the power to provide Canadians with an opportunity to be discovered around the world. Let's not introduce restrictions that force us to stay at home. We need to take pride in all of these artists, even if they are not represented by an association or an organization. Let's give them a voice.

People often say that parliamentarians are there to defend people who are forgotten, set aside and not represented. In this instance, we are responsible for defending the multitude of Canadians on the Internet. We need to avoid excessive bureaucracy, which would have us going around in circles and harm them rather than help them.

Once again, I'm asking members of the committee to think before voting, and to vote for amendment CPC-9.1 so that we can continue with a clause-by-clause study of this bill.

● (1255)

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

[*English*]

Ms. Harder.

Ms. Rachael Harder: Thank you, Chair.

Because there have been some misleading remarks made, let me say that this concept of net neutrality is that every single Canadian has equal access to different sites online. Every site is treated with equality, which means that some sites aren't made more prominent than others. It means that speeds for some are not slowing down while speeds for others are speeding up. It means that we, as Canadians, have access to material made available online in an equal fashion: that some things are not discriminated against, some things are not promoted and some things are not shown favouritism.

It's a great principle. It is a principle that so many members of the current government have spoken about in the past, including the justice minister; the former heritage minister, Minister Joly; and the Prime Minister, Mr. Trudeau himself. It is this principle that Canadians would be able to function within this glorious platform that is allowing so many individuals to thrive. They would be able to function within that platform, this tool that we rely on in Canada to access information, to promote other information, to share ideas and to welcome people into their creativity and their artistic expression. It's amazing.

The Internet exists as this amazing place where ideas collide and where, as stated, artistic talent is shared, debate takes place and business transactions transpire, etc. Net neutrality, this principle that all those who use the Internet would be able to do so without being discriminated against, without having some content favoured over others, is a brilliant concept.

For this bill to move forward with the exclusion of proposed section 4.1 is threatening that concept of net neutrality, because instead of all things being considered equal, this bill would move forward in such a way that some content is actually demoted and some content is promoted—not all things are equal.

The hand that guides this process is the government's, through a regulatory arm known as the CRTC. To put the CRTC in control of such a thing is not only daunting for them, by their own admission, but crazy. It's just ludicrous. This bill is under the guise of “modernizing” the Broadcasting Act, but the Broadcasting Act actually shouldn't be applied to the Internet, because the Internet is this incredible place that is limitless. You don't actually need the CRTC to step in and pick winners and losers, to show favouritism to some and to harm others.

What's going on here, if Bill C-10 proceeds without any sort of amendment that would offer protection for the content that individuals post online, is actually the extreme censorship of material that is posted online and, therefore, an attack on this concept of net neutrality, which is something that we have held in high regard for so long. It used to be a principle that was held by all parties, so it wasn't even a partisan issue. Now, with the removal of 4.1, all of a sudden the government has turned this into a massively partisan issue, and for what?

It's certainly not for the benefit of the Canadian public. The only one benefiting from Bill C-10, interestingly enough, is actually, I guess, the government, because it gets to determine the content that Canadians can and cannot access. Then it also actually benefits the big telecom giants, which is interesting, because the government would say, “No, this legislation actually goes against them.”

● (1300)

No, it doesn't. This legislation goes against Canadians. This legislation goes against those who wish to access content online and those who wish to post content online. This legislation goes against our freedom of choice. This legislation goes against our freedom to express ourselves, to share our opinions, to share our beliefs and to share our talents with the world.

That's what this legislation does—if it moves forward in its current form. Again, that is why we should be voting “yes” to the amendment being brought forward. We should want to protect Canadians. We should want to look after their well-being. We should want to give them the freedom to express themselves. We should want to allow Canadians to access the content they so desire.

When we talk about net neutrality, when we talk about Canadians having access to the Internet in an equal fashion, this bill goes against that. The way we restore that principle, the way we return to the advocacy of that principle, is through the amendment that my colleague has presented. I am somewhat perplexed as to why we are not considering this amendment to a greater extent.

Going back to my colleague Mr. Aitchison, he asked why we would be against proposed section 4.1. How is this bill strengthened by its removal, or how, in the opposite of that, is this bill harmed by adding this amendment, which is similar to 4.1? For all of the facial expressions that have been shown and the things that have been lipped, no one has offered to raise their hand and offer an explanation as to why the omission of 4.1 strengthens this bill or, alternatively, why adding this amendment would weaken it.

I guess I would invite that, through you, Mr. Chair. I'm not sure if someone here would be able to provide that explanation. Perhaps the parliamentary secretary would be best positioned to do that. I think many members on this committee would be interested in hearing that justification. I think many of us are baffled right now by the way this is landing.

I'll leave it there.

The Chair: Thank you, Ms. Harder.

Seeing no further debate, I will call this particular amendment to a vote. I'd like to remind everyone that we are currently on CPC-9.1.

Shall the amendment carry?

Ms. Julie Dabrusin: No.

● (1305)

The Chair: Madam Clerk, we'll have a vote, please.

(Amendment negatived: nays 7; yeas 4)

The Chair: Folks, we are currently five minutes overdue. As you know, we've just filled our normal two hours. Through implied consent, normally we'd adjourn at this hour, and we will do just that. We'll resume again on Friday, June 4.

We'll see you back here again on June 4 for the resumption of clause-by-clause consideration of Bill C-10.

The meeting is adjourned.

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