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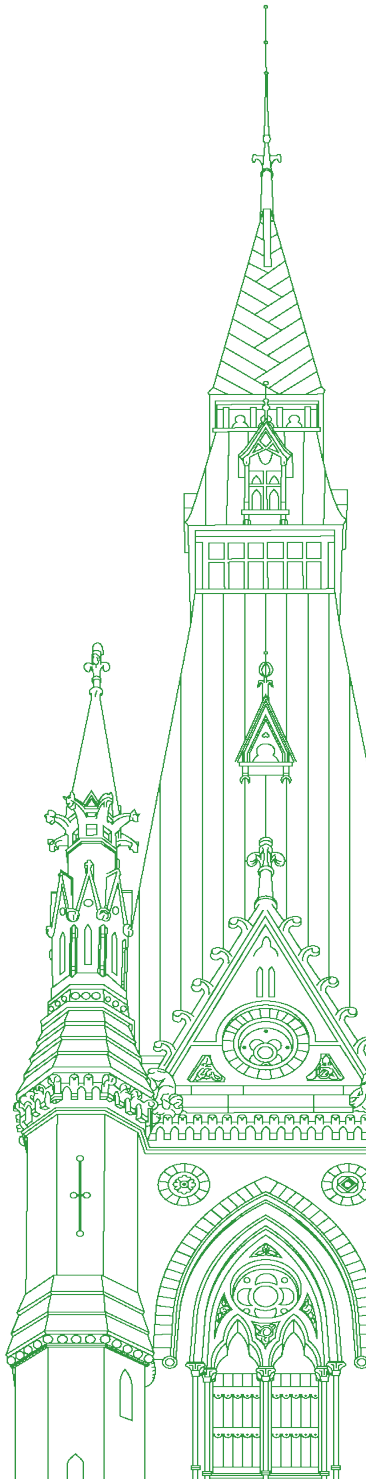

Chair: Mr. Scott Simms

Standing Committee on Canadian Heritage

Wednesday, June 9, 2021

● (1650)

[*English*]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): Welcome back, everyone. This is clause-by-clause consideration of Bill C-10.

I just want to point out to everybody in this room that I know the bells are ringing and that I'll be seeking unanimous consent in just a few moments.

Okay, I know I said some time ago that I would try to give you as ample notice as I could about a meeting, and when I seek out meetings, I will do just that. I will be cognizant of the time. I'll be cognizant of your situation.

The whips amongst our parties—again, I am not specifically pointing out any particular whip of any recognized party, and there are four groups in question—decided that they would put this meeting together. I received notice shortly before you did.

Now, because we passed a motion on March 26 that states that we will seek out meetings—and it didn't say anything about notice—we must have this meeting as of right now.

That being said, I'm going to say this publicly. I'm going to say this in front of you, my colleagues. I'm going to say this while we're in session. As chair, I have the floor, so I'm going to say it.

This is a message for the benefit of my colleagues, the staff, the analysts, the clerks, the interpreters, the technical staff, and everyone involved. I ask you to please consider the fact that these people have families, that these people live in rural areas like me. We are not emergency workers. We're not paramedics. We're not firefighters. We're not on call like that. These are planned meetings—normally.

So, to the four represented whips at this meeting—and I know you're on this call—please consider this when we do this again. I'm asking this not just as a chair but as a human being. Thank you.

That being said, do I have unanimous consent to continue?

Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC): No.

The Chair: The meeting is suspended.

● (1650)

_____(Pause)_____

● (1750)

The Chair: Welcome, everyone, to clause-by-clause on Bill C-10. This is the resumption of the meeting. Welcome back.

We are going to pick up where we left off the last time, if you want to get out your song sheets once more.

Some hands are up.

Mr. Shields, do you want to move a motion? Go ahead; you have the floor.

Mr. Martin Shields (Bow River, CPC): No. We were in the middle of our conversation and had to quit. My hand was up and I just wanted to continue as we were, on amendment CPC-9.2. When will you get to it?

The Chair: Mr. Rayes.

[*Translation*]

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

I'd like to say a quick word before we get into amendment CPC-9.2. My purpose isn't to delay the process, but to express my real displeasure with what's happening right now. Some might suggest that this is so because of all that has happened in the last few days, but I want to emphasize that we are all human beings. We work in Parliament, but we also have families. The employees who work with us and try to do their jobs in a professional manner also have personal lives.

Last Monday, you told us that the next meeting would be on Friday. It's now Wednesday, so the House starts at 2:00 p.m. It's my responsibility, it's part of my role as a parliamentarian in a hybrid Parliament. At an hour's notice, I received the notice of this meeting. I didn't have access to my documents because I'd left them at my apartment. These documents help me do my job. Our work requires us all to do a lot of research.

I think it shows contempt for the work of members of Parliament to give us one hour's notice on such an important issue. We don't have much time, and a gag order has been imposed on us, which has never happened in the last 20 years. Parliament isn't supposed to interfere with committee work; committee work is supposed to be independent.

From what I understand, even you, Mr. Chair, were not aware of this. The decision to hold a surprise meeting was made by various whips. This has implications for all of us.

Tonight, after my day at the House, I had planned to pick up my daughter in Montreal. I haven't seen her in three weeks. Now the whole process is being delayed. I'm changing my entire schedule. Some people will say that it's no big deal and that they have the right to say what they want about politicians. But politicians have personal lives too. We usually have meetings scheduled and work to do.

It's true that in some cases, procedures are deliberately slowed down. In other committees, the Liberals are professionals at this. We've done that in some cases, but always in the proper manner of committee procedure and by the means available to us when we are dissatisfied or have a message to communicate.

Currently, this meeting requires the presence of staff, interpreters and the committee clerk, among others. In addition, other committee meetings have had to be cancelled. Some of my colleagues are frustrated because they had work to do in these other committee meetings. The scheduled meetings of the Standing Committee on Citizenship and Immigration and the Standing Committee on Fisheries and Oceans were cancelled at the last minute to free up that time slot for this meeting, which the Liberal, NDP and Bloc Québécois whips arranged among themselves without even notifying our committee chair, according to the information I received. This is unacceptable.

I find this work incredible in the context of the study of this bill which, as we have been denouncing for so long, attacks the very foundations of the Canadian Charter of Rights and Freedoms. This has nothing to do with an attack on culture, even though some would have us believe that it does.

In short, I wanted to take three minutes to share this with you. You all know I'm in shape and working out. Using my GPS, I've calculated all the trips I've had to make back and forth between the House, where I am on duty, and this committee room, to fulfill all my responsibilities.

The situation we're in is unbelievable. It's the last straw at the end of the parliamentary session. This isn't the first time a similiar situation has occurred, by the way.

Is there any way to make some kind of statement to support your work as chair, to have decorum and to ensure that parliamentarians from all parties can work in partnership and collegiality? We all want to be in a good mood, to be able to laugh together and try to lighten the mood, but the current situation remains inconceivable.

I, for one, am frustrated today because I will have to call my daughter to tell her that I won't be in Montreal until almost 11:00 p.m. tonight. After that, I'll have to drive another two and a half hours to my riding, which will affect my day tomorrow. Also, I just received notice that we have another meeting tomorrow. All of this is on top of the rest of my schedule.

I wanted to point out that we're human beings, too, even though we're politicians, even though people think they have the right to attack us as much as they want and to say whatever they want about us. We have to take the hits one after the other. I find it unfortunate that the whips have agreed on our work without even informing us.

● (1755)

Thank you, Mr. Chair.

[*English*]

The Chair: I'm assuming you moved CPC-9.2.

I only say that, Mr. Rayes, because CPC-9.2 is in your name, but did I hear correctly that Mr. Shields is going to?

Mr. Shields, I'll put the floor to you.

Mr. Martin Shields: Yes. We're reintroducing the clause we were at—amendment 2—that we were in the middle of debating last time.

The Chair: That's 9.2?

Mr. Martin Shields: Yes.

The Chair: Correct. Go ahead, sir. The floor is yours.

Mr. Martin Shields: Thank you.

One of the things we were talking about that came up from the people from the department was the monetary number, the millions, or the number of people, and who this would include. In that conversation, the CBC came up, from the department staff. As we well know, as the CBC has digitalized significantly. They've also moved into stories that they write per clients' requests and they want to enlarge that.

This particular legislation, without those marks in it, could include the CBC and their digitalization service, which is really interesting. It could include political parties as well when we get into this type of thing, without putting some limits, barriers or ceilings around it. I think that is what we're attempting to do in this particular amendment: to go to where we need to be and what the intent is.

What we have heard about the intent of the authors of the bill was that by having a wide open net.... It's like when you trawl on the ocean. You catch a lot of fish in those big trawlers. They kill a lot of fish and do a lot of damage because they catch a lot of things other than the intended species they're looking to fish.

I think this legislation in itself—as we hear from the department officials when they bring out the digitization of CBC and you understand how broad a net this is—is not really where you want to go, unless you're looking to have the CBC in this, if you're looking to have it in this as they digitalize to make money from stories that they are writing for particular clients, for political parties.

You have to think about this in the sense of what you're attempting to do. On the nature of we've talked about, you've talked about it and many others have: the big techs, the big companies, the Facebooks, the Googles, all of those you've talked about. In thinking about that, this big dragnet of a trawling line could catch a lot of things in it that could be very detrimental to a lot of parts of our society, our country, our creators and our cultures.

Going back to the departmental officials, I think it was Mr. Riley who brought up the possibility of CBC and what they've explored, so I'd like to go back to Mr. Riley and have him again discuss how he views this dragnet operation without some ceilings in it, as is suggested in this particular motion.

I would like it if the department could respond, please.

● (1800)

The Chair: Yes. I think it's Mr. Ripley who you want to respond to that?

Mr. Martin Shields: Yes, Mr. Ripley.

The Chair: Okay. I'll bring in my point later on.

Go ahead, Mr. Ripley.

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

Thank you for the question, Mr. Shields.

The point I was trying to make during our last meeting was that Bill C-10, as tabled, does not have thresholds in the legislation, in terms of determining whether an online undertaking should be regulated by the CRTC and should be required to contribute. The test, as articulated in the bill as it was tabled, was a determination of the CRTC's part with regard to whether that online undertaking is well positioned to make a material contribution to the policy objectives.

One reason it was done in that way was to recognize that there is a very wide diversity of online business models out there. It is difficult to be categorical with where that material contribution threshold kicks in. The reason I referenced CBC/Radio-Canada was to give an example of how, as the committee knows, CBC's conventional services are licensed and overseen by the CRTC right now, just like TVA or CTV. The expectation is certainly that the CRTC would have jurisdiction over its online undertakings of TOU.TV and CBC Gem, just as the CRTC will have jurisdiction over Bell Canada's equivalent Crave TV service, Club illico, and those types of services.

The point I was trying to make was that based on the data we have, the threshold that's being put forward in this amendment may be so high as to exclude CBC/Radio-Canada's online undertakings, for example. The position of the government would be that CBC/Radio-Canada is very well positioned to make a contribution to achieving the policy objectives of the act. That was the point I was trying to make, Mr. Shields.

Mr. Martin Shields: I appreciate your explanation of that.

It is very concerning when we talk about the lack of thresholds. I think the reality of this amendment is that it tries to put in thresholds to actually give the CRTC some direction in the legislation rather than having it spend a lot of time in areas that may not be what was intended. That's what thresholds will do when they're provided in legislation.

Sure, if in the future they are found to be too high or too low, it's already been mentioned that in certain periods of time you review things and say they could be changed. As Mr. Rayes has said, maybe upwards is more likely. It is something that gives it a mark to go by. It's something that I think provides to boards and commissions—and I think they appreciate it—some direction rather than just a void and starting from nothing.

The real advantage of this piece of legislation is that it provides clarity in the public. It's in legislation. It's transparent so that the CRTC, as it follows this up, will be given much more clarity with regard to how to begin its work if this legislation is passed.

With that point stated, Mr. Chair, I thank you.

The Chair: Okay.

Ms. McPherson.

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

I just want to say a few things.

First of all, I do appreciate Mr. Rayes's frustration about having to be here. We all have places we need to be. We all have very busy lives. It is always hard when our schedules change on a dime. I know we all have incredibly packed schedules.

I do want to just point out that this is very important work we're doing. In fact, it has not been everybody's priority to do this work in this committee over the past several weeks. We have seen a lot of time wasted by certain members of this committee not letting us get to that work.

That's not really what I want to talk about right here.

In terms of amendment CPC-9.2—and perhaps it would be best for Rayes or Mr. Shields to respond—did you, when you were putting together these thresholds—and of course, I asked some questions about these thresholds earlier—ask any stakeholders in the Quebec cultural sector? If so, could you tell us which ones you spoke to about CPC-9.2 and their support for that?

● (1805)

The Chair: Ms. McPherson, before I go to Mr. Rayes...I'm assuming you meant Mr. Rayes, not Mr. Shield.

Ms. Heather McPherson: Well, Mr. Shields was the one who was speaking about it today, so I wanted to see—

The Chair: That's true.

Ms. Heather McPherson: I'll leave it up to them.

The Chair: Okay, first things first: Ms. Rempel Garner is next, but with your permission, can I go to whom the question was asked? I see Mr. Rayes' hand up.

Hon. Michelle Rempel Garner: Yes.

The Chair: Mr. Rayes, go ahead.

You have the floor.

[*Translation*]

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

I'll attempt to answer the question, but first I'll respond to Ms. McPherson's first comment.

Yes, we all have schedules. I have no problem with us doing other meetings. You even put forward a motion on that, which was adopted. The chair had the opportunity to add one.

The problem is the notice. If we had had notice this morning that this meeting was going to be held, we could have taken a minimum amount of material with us when we left home. Then the notice would have been reasonable.

Let me be clear: I have no problem with the fact that we're holding this meeting. It's how it was organized that I have a problem with. I think it shows a total lack of respect for our work as parliamentarians, for our personal lives and for the lives of all the staff who support us and help us to do our work well.

That said, I'm closing the loop. I'm going to get over my emotions and come back to work with a smile, because I don't like being angry.

Ms. McPherson, in response to your question, I have to say that I have indeed met with several organizations, like the one I mentioned at our last meeting. We've been working on this amendment for a long time. We even proposed something similar at the very beginning.

Did all the stakeholders we met with agree on the thresholds? The answer is no. Did all of them want thresholds? Actually, some did and some didn't. There were differing opinions among organizations representing cultural groups in Quebec and Canada.

To draft the amendment that I put forward on behalf of my party, we looked to the thresholds that Australia had established. The ones we're proposing are even lower. All countries point to Australia as an example. Even Minister Guilbeault does. The thresholds in our amendment are the ones proposed by two former senior CRTC officials who are following the bill very closely.

Those are the thresholds, plain and simple. I don't see that this in any way prevents the CRTC from regulating the big players like Netflix and Spotify. The major broadcasters aren't covered by this exemption, because they all have revenues and subscriber numbers that exceed the thresholds we've included in the amendment. However, the amendment does protect our artists who aren't part of the traditional structure, who make their living from social networks and want to continue to do so.

We talk a lot about self-employed artists, but I would add that it may also include small organizations or academics who post content on social media and who have a lot of followers. The purpose of the amendment is to exclude them from CRTC regulation. It's as simple as that, and there's no hidden agenda.

[*English*]

Ms. Heather McPherson: I just want to know if you could share some of those names. The question was whether you could share the names of some of the Quebec organizations that you have some support from—just the names of them would be great.

The Chair: Sorry, are you questioning Mr. Rayes again? Okay.

We soon have to go on to Ms. Rempel Garner. She's been waiting patiently.

Mr. Rayes.

[*Translation*]

Mr. Alain Rayes: Great.

Actually, I did a little search through all my notes after our last meeting. I would have been happy to give you the names of the organizations, but my notes are at my apartment. Given the short notice we were given, I don't have any papers with me, and I'm going by memory. So it's impossible for me to consult my notes to list the organizations that agree with the thresholds we're proposing, those that partially agree and those that are against.

Unfortunately, I can't do justice to your question, despite its relevance.

[*English*]

The Chair: Okay, we'll go to Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Thank you, Chair, and also for welcoming me to the heritage committee.

I've been following the procedure of this bill through various stages for some time now and I am concerned about the broadness of scope and the serious concerns that many well-placed advisers have brought up. I could speak to that at length. I will start by speaking to the amendment that my colleague brought forward.

On this bill, I just don't understand why the government and members on this committee aren't supportive of putting some restrictions and limitations on who this impacts. Again, some of the amendments that have been defeated at this committee would, I think, take away some of the fears of Canadians who are rightly asking questions about what this means for them.

Some of us have served longer than others here in the House and in Parliament, so I'll just speak to my experience. When I started my public service, social media was really still in its infancy in terms of its transformation of how we consume information, but today, the reality is that traditional broadcasting and traditional ways of creating Canadian content have been disrupted, much like Uber disrupted the taxi industry.

As parliamentarians, I think we have a responsibility to ask ourselves if putting in place certain government regulations benefits the country and creators as that disruption comes through, or if it's actually hindering the emergence of new voices, new content and Canadians actually engaging in cultural activities.

I do think this amendment that my colleague has put forward actually would benefit many Canadians and I want to explain why.

My colleague Ms. McPherson raised the issue of consulting with Quebec cultural influencers. I can name one off the top off my head: Cynthia Dulude. She has over 600,000 YouTube subscribers. I'm sure she has been able to monetize her account. This is a voice that wouldn't necessarily be eligible for the current structure of proceeding that we have. Rather than supporting her, this bill would allow the CRTC in many ways to essentially deem her to be a broadcaster. That's why I think amendments like this are beneficial to enshrining the rights of women especially, who have been typically excluded from the way we've done things in Canada for a long period of time.

When you look at the progression of legislation and regulations over the years, I fully support the strides that were taken to ensure that Canadian culture, content and heritage were promoted, but this bill doesn't work with the disruption that has been created in the industry. It just seeks to enshrine an old way of doing things, and in doing so, it marginalizes Canadian voices when we're looking at where the football is going to be10 or 20 years from now.

In a lot of ways, the way that social media has disrupted the development of Canadian content has really democratized the creation of content. It's a really exciting thing. There are voices that never had a platform before that now do have a platform and don't have to go through gatekeepers. I think that's a very positive thing for Canada, not a negative thing for Canada.

I understand why the gatekeepers want to gatekeep. I understand why the gatekeepers, the incumbent telco companies, those who have a stake in making money off grants and contributions without really promoting the advancement of heritage activities, want to protect the status quo, because they profit off it. Why can't we do both?

● (1810)

The amendments that my colleagues have been suggesting would allow us to support influencers, support those who have found platforms on social media, and protect them but also allow the current way of doing things to exist.

I guess, maybe, this is a different a way of looking at things. I'm glad we're having this debate, but I don't think that government should exist to regulate away disruptive influences in the marketplace that actually benefit Canadians.

We often see this. When I was vice-chair of the industry committee, I made some pretty bold statements about how we need to potentially look at disrupting the way that Internet is provide in Canada in order to address rural broadband issues, even access within urban centres.

You see those incumbents that benefit from the monopolistic structure that government protects. They are going to push back at that because their profit models are dependant on it. Again, I almost feel like I'm in the Twilight Zone here because we have the left arguing for the propping up of a monopolistic structure that doesn't benefit the people in any way, shape or form. I think it just benefits large companies that, arguably, I'm not sure have done the best job of promoting Canadian content and culture.

We have the opportunity here in Parliament to rethink how government interacts with content creators. Instead, we get this bill that seeks to enshrine the status quo. I don't know why we couldn't be looking at taking the best of the status quo, like supporting.... Ms. McPherson brought up the issue of Quebec content creators. I don't understand why we can't be looking at regulations and laws that support those content creators but at the same time acknowledging that disruption has occurred and ensuring that we're protecting those new voices and those new ways of doing things. I really think that's what is at the heart of the amendment that has been put forward today.

There was an assertion made that there was no research done on this particular amendment. I know that to be false. There have been white papers drafted around the world. I'm thinking of one. I can't remember the reference off the top of my head because, much like my colleague, Alain, I'm jumping into this meeting at the last minute, but it's important for me to be here on behalf of my constituents. I know that there was a white paper done out of Australia that did look at certain threshold limits based on the disruption that had occurred in their national market and a desire to protect those voices.

The account that I mentioned out of Quebec.... They're not a broadcaster; they're creating videos and giving a voice that is unique to their lens and their perspective on certain issues. For the government to try to come in and use a.... Frankly, we could have a whole other discussion about the CRTC's being an outdated institution that is desperately in need of reform. However, this amendment would actually limit the scope of what that outdated institution could do to the benefit of intersectional voices that all of a sudden have a platform in Canada.

I really think that if we don't put amendments like this in place, we're going to look back 10 years from now.... I think that Canadians will look back at this debate by parliamentarians and these types of amendments, and the parliamentarian who don't support these amendments and say, “Why were they supporting the old way of doing things? Why weren't they supporting my voice? Why did they regulate speech?”

Why should the CRTC have a say over individual YouTube accounts? Why wouldn't you put clarity to this? If the government is true when it says there is no intention to regulate individual social media accounts, why wouldn't we put those safeguards in there?

● (1815)

This isn't the Criminal Code. This is policy that influences how business will be undertaken, and it's the right to freedom of speech.

I'm going to reference another example that I've been deeply uncomfortable with: the subsidies for print media in Canada. I believe it's very important for our country to have a strong journalistic culture that holds all of us to account, regardless of political stripe. However, when the government puts in place a fund to support media and then it picks the recipients of funds, there's a direct linkage there. A direct bias is created and you no longer have independence in journalism. That's wrong. We can sit here and vociferously disagree on policy and politics, but we should be agreeing that we need independence of media. There needs to be a separation—a clear delineation—between media, the speech of Canadians and government.

There has been a lot of discussion about how the government should regulate hate speech. That's another thorny area because there is a lot of hate, even today. As a parliamentarian, I have received a lot of hate in the last 24 hours for statements I've made that I strongly believe in. That doesn't mean I should be taking away the right of people to make those statements, unless they fall under existing Criminal Code provisions related to libel or hate speech. We already have the Criminal Code for this.

If you port that concept over to Bill C-10,, why would the regulator be seeking to limit the activities of individual voices and Canadians? That's why I think Bill C-10 is a flawed piece of legislation. I don't support it in general, but at least the amendments that my colleagues are putting forward seek to separate this concept out.

Honestly, the point I want to make at this committee on behalf of my constituents is that you have this nexus right now where historically over time our country and the government have sought ways to promote Canadian content. However, we've had such a disruption in how that content is produced and consumed that porting the old style of supporting content creation onto a disrupted model is opening the door for government abuses on freedom of speech.

That's why it is so important for us to pass these amendments. There needs to be more structure. There needs to be more clarity. Even for user accounts that.... Consider the Quebec account that I mentioned earlier. I am sure she has a good business from that. I'm sure she is making money off of it. Good for her. That's awesome; that's fantastic. Why would the government seek to limit her voice?

These amendments give clarity and certainty for an emerging area of business that most Canadians are just waking up to. For us, it's about understanding that putting “influencer” on a CV is a thing. Influencing is a thing. People make money off of it. It's a new way of advertising. Yet, I feel like we are sitting here as legislators looking at this with a lens that is 30 years old. That's a huge problem.

I understand that there might be some really rote, basic politics. There might be a polarization here to score quick political wins one way or the other. However, I encourage colleagues on this call, from the bottom of my heart, to look past that and ask, what's in the best interest of this country? We should be seeking to support Canadian content creation, definitely ensuring that we are supporting French-language content creation as well. It should be all content creation, including marginalized voices that typically have not had platforms because of the gatekeepers. We should be seeking to do that while ensuring that we are acknowledging the fact that the structure of how we create content has fundamentally changed.

● (1820)

The amendment at hand that my colleague proposed puts clear limitations on and structure around intent. If the government's intent is X, Y or Z, this amendment makes sense, as did the one that was defeated in this committee. I was so disappointed. I honestly thought that the government was going to put this debate to bed by proposing the amendment that was defeated earlier that was in the media. I was shocked. My colleagues on here who have known me for a while, from all political stripes, know that it takes a lot to shock me. I was actually shocked.

Again, there are winners and losers with Bill C-10, and why would we be doing that? Why would we be picking winners and losers? Why would we be picking voices?

What I worry about is that groups who seek to promote the status quo have a very well-funded lobby. I know they have been in front of many of you. They seek meetings. They seek to spin their position.

The people who are emerging in this market disruption—the voices such as the account I mentioned—don't have a lobby. They don't have a well-funded group that's coming in and talking about how they're going to influence votes in our ridings. That is why I'm here at the heritage committee today. I'm trying to cut beyond the political bluster to try and honestly, from a place of reason, say, “Look to 10 years from now. Look 10 years from now and understand that if we put this legislation in place without some definitions...”.

. They're not coming in and talking about the polling based on the popularity of a spun question within our ridings. They're just doing their thing. They're new content creators. They don't have that lobby, but that doesn't mean we don't have an obligation to protect them.

The amendments that are being put forward here are designed to protect those people. They are people who haven't had a voice in our previous iterations of cultural content creation, and they don't have a voice with these big lobby groups right now either. Why wouldn't we be protecting them? Why wouldn't we add this in? It makes so much sense.

I really think we should go back to the drawing board. I get that parties are set in here. However, if we don't get this right, now, I really think we have opened up Canadian influencers to a chill on freedom of speech. I think that is absolutely possible. We have not done our jobs as legislators here to tell the regulator what they can and can't do. We haven't done the systemic reform of the regulator that's necessary. That's a problem as well. We also haven't.... We are trying to impose the regulatory structure of a system that was put in place before cellphones existed on to a disrupted system of how we create content. That is why these amendments are being put forward.

I would just say this to colleagues: If you don't like the amendments, if you don't like the set thresholds of subscribers or the advertising thresholds, then propose a subamendment. Bring forward other research. But this bill, as it is right now, is bunk. It needs to be fixed. It can't pass without this happening.

What I'm hearing, from watching the media coverage of this, is that there is a desire among all parties to ensure that Canadian content is created, is funded, is supported, particularly French-language content creation, which needs to be shared across the country.

I think there's a shared desire here.... I also hope that there's a shared understanding that we shouldn't be rushing to put in place systems that could inadvertently put a chill on our freedom of speech.

I'll put it this way, and I've said this to people: For those of you who were in Parliament under Prime Minister Stephen Harper and vociferously railed against him, if you would be uncomfortable with Stephen Harper having the power to regulate individual social media content, then you should also be deeply uncomfortable with Justin Trudeau being able to do that. No person, no government, should have the right to regulate freedom of speech in the way that this does.

At the same time, we should also be understanding that regular content creators have a right to proceed through this disruption. Canada went through a very sort of unsettled period of time—three to four years—when Uber disrupted the market.

● (1825)

There was a lot of back and forth, admittedly at the municipal level, about what bylaws should be put in place to regulate Uber and how taxi drivers were affected through that disruption, but at no time during that debate were higher-level issues like freedom of speech threatened. That's really what we have here with this bill.

I implore my colleagues here to really think about passing smart amendments. Again, if there's a problem with the amendment, propose a subamendment rather than just dismissing it outright.

I understand that people like Michael Geist and the former CRTC commissioner might be irritants to the government right now, but I know these people. They're not partisans by any stretch. These are informed people who have been working in the space for a long period of time and genuinely care about the flaws in this legislation, because they're coming from a place of academic understanding that this is flawed, deeply flawed, to the point where it is detrimental to the country. They're not doing this from a place of partisanship or politicking; they are genuinely concerned. We have a job as legislators to listen to those concerns in this period of time.

I know that my colleague Mr. Arnold wants to get on. This rant has been brewing for some time for me. It is so crucial that we get this right.

I would put this on the record. Colleagues, I'm sure many of you watched the American Senate committee hearings, over a couple of years ago now, when Mark Zuckerberg appeared before a Senate committee and the questions that he was asked were so pedantic. You could see him trying to explain to legislators what an email was. I'm being slightly facetious, but not that much.

I just feel as though we are here right now and the debate that we're having is so mired in a lack of understanding of this space, as opposed to really thinking about what the role of government is in the broader discussion of the disruption that has happened in media, in how we consume information and how we create information. I implore you that rather than just importing a regulatory structure that is 40 years old onto a beautiful new way of doing things, in a way that could put a serious chill on it, that silences voices of Canadians who have finally found a platform—

● (1830)

[*Translation*]

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

[*English*]

The Chair: Sorry, Ms. Rempel Garner.

Mr. Champoux, go ahead on your point of order.

[*Translation*]

Mr. Martin Champoux: You know I hate interrupting people, Mr. Chair, but I feel like the speech is getting a bit repetitive. We've heard it at several meetings already. I especially feel like we're getting a bit off track from the amendment that's before us now. I just wanted to ask that we focus on the amendment.

[*English*]

The Chair: Thank you, Mr. Champoux.

Ms. Rempel Garner, for the most part, I feel that you've been veering into the debate on this particular amendment; there's no doubt it. I love it when we all stay on the level playing field. Once in a while, I allow colleagues to meander through the bleachers; however, I need you to come back to the playing field if you want to talk about this particular amendment.

Thank you so much, Madam. You have the floor.

Hon. Michelle Rempel Garner: Thank you, Chair.

Mr. Champoux, I had said I was wrapping up, but now I feel like I need to explain a few more things, unfortunately. If you had given me another 10 seconds, I would have closed. I was on the grand finale, but perhaps now I will take a few more minutes to discuss the motion at hand.

Again, to colleagues who are looking at the amendment, it reads:

> 9.2 (1) This Act does not apply in respect of online undertakings that have fewer than 500,000 subscribers in Canada or receive less than $80 million per year in advertising, subscription, usage or membership revenues in Canada from the transmission or retransmission of programs over the Internet.
>
> (2) Every two years after the day on which subsection (1) comes into force, the Commission must, with the approval of the Governor in Council, review the subscriber and revenue thresholds and may make regulations to increase them as required.

This is smart because it actually puts in place form and substance in a bill where these did not exist before. This amendment talks about what the materiality principle is in relation to the regulator, and that has not been described anywhere else in this law. Again, there are bodies of knowledge and work that have been undertaken, I think, to support that as a starting point.

What I like about the structure of this amendment is that it says, here's a starting point, but on a biannual basis there's a requirement for the commission to review whether or not that's adequate in terms of how Canadian content creators are actually growing. It has this built-in review process, and that's why it's elegant.

I know that some colleagues have asked—I believe it was Ms. McPherson—how he came up with this threshold. I believe that my colleague came up with it based on white papers that have been produced around the world. He has also built in this mechanism here to say that we will have a review process to ensure that it is adequate over a period of time.

I'm not going to propose a subamendment, but if I were to change it, I think that review process should also take into consideration the impact that the current incumbents and current system have. Why should we just give them a free pass here too? Why shouldn't we be talking about their actual views? The elephant in the room that nobody wants to talk about is how many views *CBC News* actually gets on any evening, or how many views *CTV News* gets on an actual evening, yet we are moving heck and high water, Chair, to protect them.

Perhaps that's something the committee could discuss as well. How are we putting checks and balances on the incumbents that would benefit from our maintaining the status quo? I do think that the review process that's built in here is elegant—it's nice—and it recognizes that this is an emerging field of regulation.

The need for a review process that's built into the amendment acknowledges that Bill C-10 is coming in almost ham-fisted, this very “bull in a china shop” approach to ramming through regulatory process that doesn't really reflect the reality of new content creation.

Again, I know that my colleagues are going to propose other amendments to try to do what we've been talking about, which is recognize that we shouldn't be putting a chill on freedom of speech and shouldn't be unduly burdening a new source of economic revenue for Canadians, but this is an excellent amendment.

I hope that my colleagues approach our amendments, not from that blind partisan perspective but more from the perspective of getting this right on behalf of Canadians—Canadian women, indigenous voices, Black voices, persons of colour and members of the LGBTQ+ community, who traditionally haven't had voices and now have voices and platforms. Put amendments in place to protect them, and be clear on what the role of the regulator is.

To my colleague, Mr. Rayes: good work, excellent, well done. You have served your constituents well.

I implore my colleagues on this committee to really think about this so that when we are looking back in 10 years time to these committee hearings, which will undoubtedly be referenced in numerous challenges, we're on the right side of history and the right side of the disruption that happened.

Thank you, Chair.

● (1835)

The Chair: Thank you.

I forgot to mention this at the beginning. Welcome to the committee, Ms. Rempel Garner. I think this is the first time in this Parliament that you've been on this committee. I go from one rookie for the committee to another.

Mr. Arnold has an astonishingly beautiful riding in British Columbia. I say that with a great deal of bias in his favour.

Mr. Arnold, you have the floor.

Mr. Mel Arnold (North Okanagan—Shuswap, CPC): Thank you, Mr. Chair. It's good to see you again. We certainly had some splendid times on that fisheries committee, or FOPO, and it was interesting to hear another member mention today that the FOPO committee had to be cancelled because of the proceedings here.

I sit on that committee, and indeed the meeting was cancelled just minutes before the meeting was to start, but no explanation was given, so I had to come to this committee to find out the reason that my regular committee had been cancelled.

I want to speak to this amendment that's been proposed and how it puts limits and parameters around who will be affected by this. This is certainly needed. We've seen in the past how legislation that was rushed through caused unintended consequences, and I want to refer to unintended consequences that my constituents have been calling me about just recently.

They can't buy home insurance. They can't find home insurance. Why? It's because the Cannabis Act, Bill C-45—

● (1840)

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

The Chair: One moment, please.

Yes, Ms. Dabrusin, go ahead.

Ms. Julie Dabrusin: I've been okay with their walking around the warehouse and all the rest as you let then do, but I think when we're talking about [*Technical difficulty—Editor*] we have wandered far out and beyond. Perhaps he can bring it back to the amendment.

The Chair: Mr. Arnold, as wide swinging as the arc may be for your comparison, perhaps we could swing back to the amendment in question.

Mr. Mel Arnold: I certainly will, Mr. Chair but I believe—

The Chair: Mr. Arnold, the floor is yours.

Mr. Mel Arnold: Thank you, Mr. Chair.

I certainly will bring it back, but I cannot do that properly without mentioning the full circle of how we got to this. I referred to the Cannabis Act because in that act the limitation of four plants per household was the limit that was put on individuals and households through that legislation. I have constituents, a couple, who both have medicinal marijuana grow permits. They are both permitted to grow it. The two of them have the two licences, but because they grow more than four plants in their home, they have been denied home insurance.

I have another constituent who now can't get a mortgage because he can't get home insurance, all because of legislation that was rushed through without—

Mr. Maninder Sidhu (Brampton East, Lib.): I have a point of order, Mr. Chair.

Mr. Mel Arnold: —parameters and without limits.

The Chair: One moment, Mr. Arnold. I'm going to have to ask you to stop for a moment.

Mr. Sidhu, you have a point of order.

Mr. Maninder Sidhu: Yes, I don't know what the relevance is. I forgot what committee I'm on because the topic is just so off.

The Chair: Yes, you're on the Canadian heritage committee, sir.

Mr. Maninder Sidhu: Yes, I don't know the relevance of the topic that my colleague is speaking to.

The Chair: Thank you, Mr. Sidhu.

As you know, Mr. Arnold, again, we try to be germane to the point. I'm enjoying the story—don't get me wrong. However, I do have a job to stay on track. Perhaps you'd like to continue with the advice of others.

Go ahead.

Mr. Mel Arnold: Thank you, Mr. Chair. I certainly will bring it back to how it applies to this legislation and this particular amendment. This amendment will put parameters around who will be affected by the legislation.

As I was pointing out, with the cannabis legislation that was put through, there were no parameters put in place. That legislation could have been modified. It could have been amended so that it didn't have the unintended consequences that it is having now for individuals in their homes, for constituents and for people. They are who we have to consider when we're drafting legislation. We need to consider not just the big corporations but every individual, every constituent, who may be affected, intentionally or unintentionally, by legislation. This piece of legislation needs to be amended so that we don't have those unintended consequences. That is why I brought this issue forward.

We've also seen how interpretations can be changed or reinterpreted on very short notice, even though the interpretation or the regulation has been in place for years. I refer to a recent reinterpretation of fisheries regulations that basically risked putting the entire spot prawn fleet—or a large portion of the spot prawn fleet—out of work this summer in British Columbia, simply because someone reinterpreted how the regulation should apply.

It's just another example of how the legislation needs to be fully thought through. There need to be parameters put in place to ensure that we don't have those unintended consequences. Ms. Rempel Garner said it best. When people back at this legislation in 10 years' time, we want them to say that we got it right. We don't want them to look back and say, “Boy, they really messed up on this: they should have had parameters; they should have had guidelines; they should have made sure this legislation affected those it really was aimed at.”

That's where this legislation started out. We understood months ago, in November 2020, that this legislation was to make those media giants, online giants, pay their fair share towards Canadian content. Now we have changes to it in the final hours that really make Canadians concerned for their freedom of expression. I've never had as much correspondence to my office, to me individually and to me on the street—about anything—as I have had about this piece of legislation. People are concerned that they may have their personal content censored online by the CRTC, by the powers that are in this bill, if we can't modify it, if we can't amend it through these sensible amendments that my colleagues have put forward.

Mr. Rayes, I commend you for recognizing a flawed piece of legislation and how to correct it so that it could be moved forward. These are the actions that we need to take as individual legislators and as a committee: to point out the flaws, to make the corrections, to make the amendments and to make a bill that works for every Canadian, not just the ones who we think are going to support this mass move towards censorship of Canadian content.

Mr. Chair, I'll wrap up fairly shortly here. As you can see by what I've put forward, I've pointed out how the rushed legislation of the past has caused unintended consequences. We certainly don't want—and I don't want—to be responsible. As my first opportunity to have any input into this committee or this legislation, I don't want people to look back at what I did on this committee and say that it was a mistake.

Mr. Chair, we can do better than this, and I certainly hope we do.

I would now turn it back to one of my colleagues, who I'm sure has more to say.

● (1845)

The Chair: Thank you, Mr. Arnold, but I don't see any hands up right now. Therefore, with that—

Oh look—I do.

[*Translation*]

Mr. Rayes, you have the floor.

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

It won't take that long. I don't think there are any more questions on the amendment I proposed, but I want to take one last little moment to remind all members of the committee that the ultimate goal is to set guidelines. We believe that the powers of the CRTC must be circumscribed. We all know how frustrating the deletion of clause 4.1 originally proposed in Bill C-10 as well as the changes made to that bill throughout the process have been.

I invite the committee to consider this request, which I repeat is quite reasonable, in my opinion. The thresholds we're proposing are below those recommended by Australia. They would provide a minimum level of protection for users and small players on social networks, so that they're not controlled and aren't subjected to additional regulations and paperwork. These people are asking for nothing more than the freedom to express their art, and not just at home but around the world.

I think that, as Quebeckers and as Canadians, we're proud to see artists succeed outside the country. In Quebec, we have Cirque du Soleil, which everyone knows and which has performed all over the world. If it had been restricted to Canada because other countries had prevented it from performing on their territory, I'm not sure it would have had the opportunity to enjoy the success it has.

The idea is not to close in on ourselves. We must instead show that we are proud and strong, and that there is talent here. We should be proud to see our home-grown talent exported around the world and let everyone's creativity shine on social networks.

The game has changed. Digital players like Netflix and Disney+ have joined the so-called closed broadcasting system. There is also the open system, where broadcasters use certain algorithms and let users choose the content they want to download.

As legislators, we have a responsibility to protect users and the content they broadcast. The proposed amendment to add section 9.2 to the Broadcasting Act does not amend Bill C-10 perfectly, I agree. Personally, I would have liked there to be no standard. At least this amendment protects a certain number of users.

Also, as you know, under proposed subsections 9.2(2) and 9.2(3), the CRTC will have the opportunity to review these thresholds every two years, if I'm not mistaken. I'm going from memory, since the short notice we had for this meeting didn't give me a chance to get my notes from home.

I implore the members of the committee to consider this in their thinking before voting. I also ask them to rise above the direction they've received from their strategists. We now know that they have a kind of hold over the committee. We only have to look at what they did: the gag order was imposed on us and then, as a result of corridor discussions between the whips, this meeting was set up without all of us knowing about it.

I'm asking you to allow us to do our job and make sure we protect all Canadians and Quebeckers who use social networks to post content. We're not just talking about videos of dogs and cats, as some would have you believe, in an attempt to simplify the situation. We're also talking about artists who produce quality content, content aimed at informing people, such as documentaries. They create this content without a budget, using simple tools and democratized technology. Now, people can create high-quality things just from their phones, thanks to a few low-cost apps. These digital tools make it possible to democratize information and create content.

Thank you, Mr. Chair.

● (1850)

[*English*]

The Chair: Thank you, Mr. Rayes.

Now we go to another tourist who has come by to visit—and I mean “tourist” in the best sense.

Mr. Poilievre, before you start, we're going to need a sound check from you. I just spoke of Mr. Arnold's beautiful riding. It's absolutely stunning. I want you to talk about your riding and just how stunning it is in one sentence or less, please, so I can get a sound check.

Go ahead.

Hon. Pierre Poilievre (Carleton, CPC): Testing, one, two, three, from the beautiful capital area riding of Carleton, where roughly 100,000 Canadian citizens are excited to have a chance to express themselves freely online, if they're still allowed.

The Chair: One second. I'll just get confirmation from our interpreters.

We have a thumbs-up. Okay.

Mr. Poilievre, welcome. The floor is yours, sir.

Hon. Pierre Poilievre: Thank you very much, Mr. Chair.

Well, here we are today with the government censoring debate on a censorship bill, an incredible compounded attack on our freedoms as Canadians. What's at stake here is section 2(b) of the charter, freedom of expression, so really, what we're debating is 2(b) or not 2(b): that is the question. Will Canadians continue to have their section 2(b) rights to express themselves uninhibited by government bureaucracy?

Before us is a bill that would allow government bureaucrats to rig technological algorithms in order to favour certain kinds of pro-government content online while discouraging content that government does not want us to see, in some cases taking that content off the Internet altogether. Now, they tell us that this new power, which we have done just fine without for the last 20 years since the Internet blossomed and online communications and the existence of social media occurred, is necessary to protect Canadian content. But they can't tell us exactly what Canadian content is.

Apparently, for example, when the CBC plagiarizes a CNN story out of Washington and runs a full story, without even mentioning Canada, about what's happening in the United States, that would be considered Canadian content. My local community association in Canada puts out a newsletter informing a Canadian audience about what's happening in a Canadian community, produced by a Canadian author, and that would not be considered Canadian content. It therefore would be knocked down on the algorithmic food chain and pushed out of sight and out of mind. We don't—

● (1855)

Mr. Anthony Housefather (Mount Royal, Lib.): I have a point of order, Mr. Chairman.

Hon. Pierre Poilievre: I see we have a Liberal member trying to censor my content right now.

The Chair: One second, Mr. Poilievre. Hang on to that editorial for just a moment. I'm sure you will have ample time for it.

Mr. Housefather, go ahead on your point of order.

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

Mr. Chairman, you say that you want to keep things on the ball field. My friend isn't even in the outfield. He's not even in the bleachers. He's outside the stadium. If he could perhaps move back to the amendment, it would be greatly appreciated. He's well smart enough to stay on the amendment.

Thank you.

The Chair: Mr. Poilievre, first of all, we're on amendment CPC-9.2, moved by Mr. Shields. The last three numbers of the reference number are “583”.

Goodness knows I appreciate any reference to Shakespeare and the like. However, as I've said to them before, although thinking outside the box is allowed, and I'm fairly flexible, I can't have you wandering outside the warehouse.

With that in mind, Mr. Poilievre, the floor is yours, please.

Hon. Pierre Poilievre: I understood that the heritage committee was a place for promoting the arts, so I thought, what better thing to do than quote Shakespeare, one of the world's most famous artists.

It is interesting that members of the government side are now trying to censor what I do and don't say here in a parliamentary committee on a censorship bill. I don't know how many times we can go around this Orwellian tree. It looks like an awfully strange action for a government to shut down debate on a bill this important, giving a notice to the committee that it only has five hours to finish up the work and then send the bill back so that it can ram it into law so that the censorship can begin before Canada Day. That is really what the government's agenda is.

The reason I mention the issue of Canadian content, Mr. Chair, is that this really comes down to who decides. Who decides what is Canadian content? I haven't heard a single name of a CRTC official who's going to be on this decision desk, looking at content and saying, “Oh, yes, that qualifies. Well, there's a maple leaf in that one, so it's in. The other one only has a beaver and some maple syrup, so it's not quite Canadian enough. The third one, of course, might have a Canada goose in it, but that doesn't quite meet our criteria of 'Canadian'.” We know what Canadian content will be when the bureaucrats and the government officials have a chance to decide. It will be pro-government, liberal-leaning, boring, statist content that is approved of by the establishment crowd in general and the liberal glitterati in particular. That's what will be qualified as Canadian content.

Of course, the reason the government needs a bill like this is that if it just allowed people to choose what they wanted to watch with the clicks of their fingers, it knows that people would choose differently from what the government wants. They would choose to listen to dissenting voices, as they do. In fact, on my social media, we do reach millions of people, about four million people a month, but I'm not, probably, Canadian enough for the government officials. I suspect that the audiences I reach who consume the information I provide would be deprived of that point of view in favour of a more approved message, something that the CRTC would be confident in allowing them to hear.

When someone can't win the debate, what do they do? They shut down the debate and put themselves in charge of that debate. That's why I'm here today: to stand up against censorship and to fight back on behalf of the millions of Canadians who demand their right to free speech.

I also note that when the government claims there is support for this bill, all it does is quote lobbyists. It doesn't quote artists; it quotes lobbyists. What this bill would effectively do is favour those content producers who have the best lobbyists rather than those who have the best products. Whenever the government decides who is seen and heard, then those who have influence in the government become the deciders of what gets heard and what does not. Of course, the everyday man and woman who produce content in their own way will be disadvantaged because they don't have political influence. It will be those organizations quoted so often by this minister that have their voices heard because, of course, they have the influence in Ottawa. They have the money. They have the big broadcasting corporations funding them. They will have a megaphone that everyone else will lack.

This is about, basically, converting the power of the state into a louder megaphone for the favoured few at the expense of the voices of the very many. That's why I'm proud to fight against it. I am also proud that a Conservative government would repeal—

● (1900)

Ms. Marci Ien (Toronto Centre, Lib.): I have a point of order, Mr. Chair.

Hon. Pierre Poilievre: —every single word of this bill.

The Chair: One moment please, Mr. Poilievre. I'm sorry.

Folks, when someone raises a point of order, can we please just, everyone, be silent once they say that? What's going to happen is that we're all going to escalate our voices to the point.... I just want you to remember that someone's ears are attached to your microphone—they would be the interpreter's—and when we elevate the sound, it's hard on them. I don't know if you've noticed, but recently there's been more of that going on. I ask you humbly to please not do that. If someone says, “Point of order,” let's try to stop right there, and I'll deal with such.

Ms. Ien, you have a point of order. Go ahead.

Ms. Marci Ien: Thank you so much, Mr. Chair.

I appreciate Shakespeare. I appreciate a lot of things. I would just point out that we need to stick to this amendment, which talks about subscribers. It talks about a lot of things, but not what my fellow colleague is talking about now.

Thank you, Mr. Chair.

The Chair: Thank you, Ms. Ien.

Mr. Poilievre, go ahead, again with the advice of others about staying within the confines of our amendment. You have the floor, sir.

Hon. Pierre Poilievre: Right. Stay within the confines.

The Chair: Yes, stay within the confines of the Standing Orders, sir.

Hon. Pierre Poilievre: Right. That point of order and the earlier one are a good illustration that government doesn't want certain things said, so they shut down the voices that say them.

There are confines of what's allowed to be spoken in Canada. Anybody who goes outside those confines risks being silenced. We have here a vivid demonstration, where government members—

Ms. Marci Ien: I have a point of order, Mr. Chair.

Hon. Pierre Poilievre: —are trying to silence dissenting voices.

The Chair: Mr. Poilievre, please, once again, when someone says, “point of order”, I really would love it if everyone gave me the floor so I can deal with it.

Ms. Ien, you have a point of order again.

Ms. Marci Ien: Yes. Thank you, Mr. Chair.

I will take no instruction, Mr. Chair, from a member of a party who called me “a token” when I walked into the House for the first time.

Thank you.

The Chair: Ms. Ien, I apologize, but that's not a point of order. That's more debate.

Mr. Poilievre, you have the floor.

Hon. Pierre Poilievre: There definitely is an effort by the government here to silence voices that disagree with its agenda. Here they are shutting down debate and trying to—

Mr. Anthony Housefather: I have a point of information, Mr. Chair.

Hon. Pierre Poilievre: Here we go again.

The Chair: I'm sorry, everyone.

Mr. Housefather, is it a point of order?

Mr. Martin Shields: No, I have a point of order.

Mr. Anthony Housefather: I actually was asking for a point of information from you, Mr. Chair.

Do the Standing Orders not require members to speak to the amendment before them, as opposed to the gallivanting that we're now having?

The Chair: Mr. Housefather, okay.

I think Mr. Housefather is referring to the standing orders that talk about the issue of relevancy.

Is it on the same point of order, Mr. Rayes?

Mr. Martin Shields: No, I have a point of order.

The Chair: Mr. Shields, I apologize. Your hand was up. Go ahead.

Mr. Martin Shields: Thank you.

We've been at this for a long time. I'm not sure when you're going to schedule a break, but I'm just bringing that to your attention now.

As we're moving through this, it's going to be a long session. Whenever you're going to do it is up to you, but I'm just reminding you that we need to do it.

The Chair: Yes, I'm just looking at the timing. How about when we—

[*Translation*]

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

[*English*]

The Chair: Mr. Rayes, is it on the same point of order, as in the bio break, or is it the same point of order Mr. Housefather brought up? Do you have something different?

Before you get to that I just want to deal with Mr. Shields' point. Yes, there will be one rather shortly. I'm probably going to do it in about 15 or 20 minutes. I try not to interrupt people to do this.

There's no pressure on you, Mr. Poilievre.

Mr. Rayes, go ahead. You have another point.

[*Translation*]

Mr. Alain Rayes: Thank you, Mr. Chair. I don't know whether it's the same topic, because I didn't understand what Mr. Shields said, since my headphones were not plugged in.

I don't want to interrupt my colleague Mr. Poilievre, who I'm sure will have a chance to continue, but since the meeting has been on for quite a while, it seems to me that we could use a little health break for a few minutes. Personally, I ran from the House of Commons to the committee room and didn't even have time to stop at the bathroom. I finished my coffee and I would love a few moments to go to the bathroom without missing the comments of all my colleagues on the committee.

● (1905)

[*English*]

The Chair: Yes, I understand. Okay.

I'll say two people constitute critical mass for a bio break. May I take it upon myself to make that judgment?

Mr. Poilievre, my apologies, but it seems that the break is outweighing your time on the floor. You will have the floor when we return.

I just want to remind everyone how we normally do this. It's up to about five minutes. Turn off your video, but turn it back on when you come back so that it gives me an idea that we've reached a critical mass of members to reconvene.

When we do that, Mr. Poilievre, you will have the floor.

Hon. Pierre Poilievre: Thank you.

The Chair: We will now suspend for five minutes.

● (1905)

_____(Pause)_____

● (1915)

The Chair: Welcome back, everybody. I hope you enjoyed your break.

Mr. Poilievre, you had the floor, sir. We invite you to resume.

Hon. Pierre Poilievre: Orwell said, Mr. Chair, that if freedom of speech means anything at all, it means the right to tell people what they do not want to hear. Obviously, government members on this committee do not want to hear what I have to say, but I still have the right to say it. Regulators do not want to hear what Canadians have to say. They still have the right to say it.

If we have to stand alone as Conservatives in this fight for freedom of expression, so we will do. We will stand for the right of people to say what they like and express themselves freely without interference and coercion by the state. That is why we're here with such contention today. It's why we have fought so hard on the floor of the House of Commons and why we have committed, very proudly, to be the only party that will repeal Bill C-10 and restore free speech online for all Canadians.

Numerous senior ministers, including the Prime Minister, have said they see COVID as an opportunity for them to expand the power and scope of the state—to make people like them more powerful. That is why they have attempted to take over large parts of the economy, massively increase government spending, limit freedom of choice for parents in how they raise their kids, and now censor what people say online.

If members of the government think we're going to sit by and allow that to happen, then they've ignored 800 years of parliamentary history, where commoners have routinely stood up to defend their freedom through the system of Parliament that we have inherited through so many generations.

[*Translation*]

I am not surprised to hear that the Liberals want the federal government to have more power and that federal officials should control people's speech. However, I am surprised to learn that the Bloc Québécois, which claims to want to separate itself from Canada, and therefore from the authority of the Canadian state, is supporting a bill giving federal officials the power to control the speech and words of Quebeckers. The Bloc Québécois should be called the centralizing Bloc, since it now wants to give the federal government in Ottawa the power to control what Quebeckers say. How is this consistent with the independence of the Quebec nation?

We, the Conservatives, are the only party standing up for the freedom of expression of Quebeckers. Apparently, we are the only party that understands that people's speech, people's words are not under federal or provincial jurisdiction, but under individual jurisdiction. Everyone has the freedom to express themselves without interference from the state. We believe that all Quebeckers should be able to decide what to say, when to say it and how to say it.

I am shocked that a sovereignist party would give the Canadian state the power to control the way Quebeckers express themselves. It is ironic. Most Quebeckers would be really surprised to hear that this party, supposedly the Bloc Québécois, is in favour of giving the federal government much more power on this issue.

We, the Conservatives, are proud to defend the autonomy of Quebeckers. Everyone is free to say what they want and to choose how they express themselves on the Internet and elsewhere. Although the Conservatives seem to be the only ones willing to protect these freedoms, I am proud that we do. At the same time, I must admit that it is disappointing and surprising that no other party is willing to do the same.

From what I can see, the Bloc Québécois and the Liberals are listening to the lobbyists, the officials and the politicians in Ottawa, who simply want to protect their interests by excluding people and controlling content. The Liberals and the Bloc are attacking Quebec artists. Those artists will have the opportunity to choose the only party that supports freedom of expression, the Conservative Party.

Such is the nature of the debate we are having. However, there is still time. The Bloc Québécois may still have the opportunity to see that Quebeckers do not want the federal government to decide for them, and to understand that everyone, including Quebeckers, must have the freedom to express themselves.

● (1920)

[*English*]

That's really the choice. All of the other parties want to give more power to bureaucrats, lobbyists and politicians, and one party wants to give power back to the people. That's the Conservative Party. We're standing up all by ourselves to defend the principle that people should be able to express themselves even if the government and the political establishment close to the government disagree. Quite frankly, I'm proud that we're taking this principled stand, that we are speaking our mind and defending the millions of Canadians who are going to be voiceless if this bill passes.

What we've seen from the other parties is a desire to massively increase the power of the state at the expense of the people. When the state becomes more powerful, the people become weaker and smaller. That, of course, is the goal, the purpose of this bill and so many other power grabs that we have witnessed over the last year.

Remember, when this pandemic began, the first thing the Prime Minister did was try to pass a law empowering him to raise any tax to any level for any reason, without even holding a vote, for two years. He wanted to have that power locked in until the year 2022, the ability to just raise any tax with an executive order. That has never been done in our parliamentary system. The basic principle of no taxation without representation means that the government can't tax what Parliament doesn't approve. He tried to take that power away and impose higher taxes on the Canadian people.

Instead, we fought back, and to the credit of the Canadian people who joined us in the backlash, he backed down. We hope that he will back down again before this censorship bill becomes law. As you all know, there has been a massive outcry against this bill. You've heard it. Your leader has heard it. Unfortunately, here's the problem: Instead of recognizing the opposition, this Prime Minister has been threatened by it. He said the last thing we need is more dissent and debate in this country, because then people won't agree with him. Therefore, he needs to pass a law to shut them down, silence their voices and prevent them from speaking up in the future. That is exactly what this bill does.

The bill needs to be repealed in its entirety, every single word of it. Not only that, it's interesting that my original suspicions about this bill were fulfilled. I said on the floor of the House of Commons last year, before the bill got much notice, that it would lead to Internet censorship. However, the government had put in a proposed section saying that user-generated content would be excluded, user-generated content being the material that everyday Canadians post online. They were able to use that as a fig leaf to cover up their true censorship intentions, but then the fig leaf dropped about a month and a half ago when the government, with the backing of other opposition parties, removed that one protection that was supposed to let everyday Canadians continue to post what they wanted online.

● (1925)

They just eliminated that altogether, even though the department's own charter analysis had shown that the bill relied on that protection in order to keep the bill constitutionally viable. They said, “Don't worry, this bill won't touch freedom of speech—it's got this one key exclusion.” Then they took that exclusion out, and here we are with a bill that will control online content and allow government to dictate what people see and say online.

We're going to continue to fight this bill right through all the stages in our efforts to defeat it. I think the Prime Minister is in a mad rush to get it through so that he can have it in place and locked in before the next election. Perhaps he thinks that some of the censorship elements in the bill will help him to win the election, will help suppress criticism of him while he's on the campaign trail so that nobody can expose the corruption of his government, the mismanagement of the pandemic and his horrendous failures at the early stages of the outbreak. All of these things can be suppressed by preventing what people say online.

Then we'll be stuck, of course, with the model of a very small group of liberals in the press gallery dictating the narrative and campaigning for the Prime Minister, without Canadians having the release valve to speak out and spread information and thoughts of their own online. That is, I think, the model that the Prime Minister feels most comfortable with: where you have 30 or 40 liberal press gallery types who go around spreading his message and attacking his enemies and no one is allowed to speak up to the contrary because there's a government regulation to prevent their voices being heard.

I think a lot of liberals have been bewildered by this new social media environment that they can't control. For so long, of course, they had such an iron grip on the discourse, when a small oligopoly of media enterprises could dominate political press coverage. In that environment, liberals thrive, because a small group of elites tells everyone else what to think, and those who dissent are left in the wilderness. They want to bring back that model—a model that is threatened by open free speech and the free expression and circulation of ideas.

You can't maintain a small oligopoly of media voices when everyday people are able to compete in a free market. Trudeau needs to abolish the free market of ideas and bring back a small group of media sycophants and give them the exclusive ability to dominate the discourse. Then, when he gets back to that position, no one will be able to contradict him or the overall party line.

Rest assured that we as Conservatives will fight back against this, and in the end, we will win. We will win this debate. We will overturn this bill. Whether we do it before the election or after, this bill will be defeated and freedom of speech will be restored.

Thank you very much, Mr. Chair.

● (1930)

The Chair: Thank you, Mr. Poilievre.

Seeing no further discussion....

Oh, I do.

Mr. Waugh, you have the floor, sir.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Thank you, Mr. Chair. I welcome everyone to committee here once again.

I want to thank the member for Carleton and the member for Calgary Nose Hill, because both of them have huge followings on Facebook. This is the concern that we have at committee. When you get to 500,000-plus subscribers, the government or the CRTC will start looking into your activities.

We got rushed into this committee meeting today. I think the chair duly noted his disappointment with that here today, because we were scheduled for Friday morning. Now I see that we're also going to meet tomorrow morning, Thursday morning, from 11 a.m. until 1 p.m. We're rushing through this bill, as we all know. It is flawed, and this has been talked about for quite some time.

This amendment by Mr. Rayes I've talked to before, and I like it—no “fewer than 500,000 subscribers in Canada or receive less than $80 million per year in advertising”. We have used those numbers because they equal what they have in Australia more or less. When Mr. Rayes brought forward this amendment, this was well thought out. We had some information from Australia that he certainly followed.

That's why we put forward this amendment. It's a very good one.

I'm going to read its second proposed subsection:

> (2) Every two years after the day on which subsection (1) comes into force, the Commission must, with the approval of the Governor in Council, review the subscriber and revenue thresholds and may make regulations to increase them as required.

We even talked about this earlier, Mr. Chair, because the commission might want to decrease them as required, per the regulations on the CRTC's part.

I think the member from Carleton brought up a very good point. We had not heard a lot from the CRTC until the chair was here. We all know this bill will have major ramifications for the CRTC's workload. You will have listened to me for months about the concern I have about the CRTC. I understand, with the recent changes on licensing, that some want the seven-year licences because they will keep everyone in check. Others don't because, to be quite honest, when and if this bill does get passed, we will put strenuous time restraints on the CRTC, the chair, Ian Scott, along with members. We all know, sitting around this table, that we're concerned about the CRTC's involvement with this bill.

I've seen it as a conventional broadcaster. I've seen it for four decades, where they hand off the licence, then don't return for another six and a half years, when the conventional broadcasters in this country have violated their agreement with the CRTC almost the first week into the seven-year contract. If you're going to give conventional broadcasters the white flag and say we're going to do away with the seven-year contract on a licence, that opens up another can of worms. I think, in this country, we all have concerns about this.

The National Post has a big base in this country. It was interesting that on the front page of the National Post today—and the Windsor Star, the Saskatoon Star Phoenix, all the newspapers that the Post owns in this country—they have a message to the Prime Minister. There are not as many Canadians today subscribing to our newspapers as they did in the past. We all know that story, but it was an interesting read by the publisher of the National Post, the owners, signalling that their business is in trouble. They are worried about Google and Facebook like the rest of us are.

● (1935)

I really question the timing of the front page article today in the National Post. Knowing that we have less than five hours to go through Bill C-10, as a former broadcaster, I really do question why today? Why June 9? You have a full-page editorial in all the newspapers that the National Post owns in this country—many of them—to give a signal to the Prime Minister to deal with Facebook, with Google and all the other social media.

It was strange timing. I am reading between the lines on it. They have had their hands out, as we know. They are part of the $600 million already guaranteed to many in this country for the newspaper industry, which the Liberals have given many owners of newspapers. Yet today, Wednesday, June 9, two days before we're going to shut down debate and the gag order on Bill C-10, here we have a full-page editorial in every newspaper owned by the National Post in this country.

I agree with the amendment. It was interesting today...and I'm glad that the members for Calgary Nose Hill and Carleton were on, because they are going to be targeted. They will easily have 500,000 subscribers. They will easily be in line with the CRTC's—they will be flagged. They may not have the $80 million per year in advertising, but they will have millions of followers on Facebook. To me, they are going to be flagged.

Mr. Chair, I really appreciate both the members coming forward this late in committee, because they are concerned. They are concerned about free speech—their free speech—as we don't really know what is going to happen after this bill.

How involved will the CRTC be? I think they're going to be heavily involved in social media, more so than conventional TV, conventional radio, which we really even haven't talked about a lot in Bill C-10. I've had many radio owners in this country who are concerned because this bill got off the rails. We were trying to save radio and television stations in the country, and then, thanks to proposed section 4.1, we got derailed into the social media. In talking to many radio and TV owners, I know they're concerned that this bill does nothing for them and does everything for social media.

Now the CRTC is directing all of their attention towards Google, Facebook and so on—Netflix, Disney and the rest of them. They are very concerned that going forward, if this bill does pass before we rise, and also in the Senate, that their concerns.... Their concerns have been talked about long ago. We all had lobbyists knocking on our door when we came back in the fall and we started this Bill C-10. It seems like a long time ago that we opened the doors to radio stations across this country, conventional networks, left and right. To me, they've been forgotten now.

We barely remember who came to committee on their behalf with their concerns, as we've been absorbed by the free speech debate we are having as a result of Bill C-10.

Proposed subsection 9.2(3) of the amendment is interesting, because it says:

> The Minister must prepare a report on the Commission's review under subsection (2) and submit the report to the standing committee of each House of Parliament that normally considers matters relating to broadcasting.

In conclusion, Mr. Chair, I want to to thank you for your words when we reconvened today, on a Wednesday instead of Friday. Your comments we're well observed from coast to coast, as I'm seeing from social media. I, too, was surprised that we got called back early for this. I think we all agreed that we were going to do the five hours, which would have been two on Friday, two on Monday and maybe one more next week, and we knew that we could have extended meetings.

Having said that, I like this amendment. I like what Mr. Rayes has brought forward in proposed section 9.2, subsections (1), (2) and (3).

As we move forward on this, let's not forget the conventional television stations, the networks. My fear with this bill, if it does pass, is that we're going to see more carnage in that business, television and radio.

● (1940)

We've seen enough in the last year or two, but my fear now is that we have forgotten about those that we were to deal with first of all in this bill. The carnage with layoffs could be tremendous in the fall once this bill does pass.

Thank you very much, Mr. Chair.

The Chair: Thank you, Mr. Waugh.

Okay, seeing no further conversation or debate on this particular amendment, once again I want to point out to everybody where exactly we are.

Again, open up your hymn books to page.... Well, it doesn't have a page, but it's CPC-9.2, for which the reference number, the last three numbers, is 583. It was moved by Mr. Shields. This is clause 7, after line 19.

Shall CPC-9.2 carry?

Ms. Julie Dabrusin: No.

The Chair: I hear a no.

Madam Clerk, please proceed with a recorded vote.

[*Translation*]

Mr. Alain Rayes: Mr. Chair, some of my colleagues, whom the clerk listed for the vote, have been replaced.

[*English*]

The Chair: Madam Clerk, one moment, please.

Yes, there seems to be some confusion as to who is on and who is subbed in and who is not.

Folks, I want to make sure this is right, on this vote. Why don't we start with the Conservative Party again.

Mr. Rayes, I believe we started with you. Is that correct?

The Clerk of the Committee (Ms. Aimée Belmore): Mr. Chair, do you want me to start at the Conservative—

The Chair: Yes.

The Clerk: Mr. Genuis is subbed for Mr. Shields. I just didn't see him.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Could I just get on the list, please?

The Chair: One moment, please.

Mr. Genuis, you are subbed in.

Mr. Garnett Genuis: Yes.

The Chair: Sorry, I was asking the clerk.

Madam Clerk, okay, he is subbed in.

Folks, I don't want to get this wrong.

Hon. Pierre Poilievre: [*Inaudible—Editor*]

The Chair: Let's start with the Conservatives again, with Mr. Rayes.

One moment, please.

Mr. Genuis, go ahead.

Mr. Garnett Genuis: Mr. Chair, on a point of order, I'm just asking to get on the list. I'm not sure what the process is, but wherever the list ended off, I would like to get on it.

The Chair: It's virtual. You just....

Mr. Garnett Genuis: Oh, it's “hand raised”. Sorry.

I'll just raise my hand. Is that how it works?

The Chair: You most certainly can, but we're still in the middle of voting.

Mr. Poilievre.

Hon. Pierre Poilievre: Mr. Chair, I have a point of order. My name was not read out for the roll call.

The Chair: Yes. I was wondering the same thing.

Madam Clerk.

The Clerk: No, sir. He hasn't subbed in.

The Chair: I'm sorry, sir. You're not subbed in.

Hon. Pierre Poilievre: I understood that I was subbed in.

The Chair: No, not by our clerk, not officially. You might want to check with your whip.

Let's start with Mr. Rayes once more. We'll start with the vote from the Conservative Party.

Go ahead, Madam Clerk.

● (1945)

Hon. Pierre Poilievre: Could I have another check to see if I've been subbed in?

The Chair: Mr. Poilievre, we've already checked. I'll do it again because—

Hon. Pierre Poilievre: There could be an update.

The Chair: —you know I'm probably one of the nicest people you have ever met, so I'm just going to give you a bit of flexibility here.

Madam Clerk, is Mr. Poilievre signed into the committee?

The Clerk: No, sir.

The Chair: Okay. That's settled.

Continue with the vote.

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

The Chair: I apologize for the confusion, folks. Just remember that if you're subbing in for someone on the committee, that has to be cleared with the clerk. I see a lot of faces come and go here, so please make sure beforehand.

The next time we have a vote, I'm going to pause so that everybody can, through whatever device they contact their whip with in this virtual world, please check so that we can make this go a little smoother.

Mr. Mel Arnold: I have a point of order, Mr. Chair.

I just realized there were only three votes by Conservatives. I believe I was logged in; I had no notification that I was logged out of the committee again. My name wasn't called.

The Chair: Madam Clerk, do you want to clarify that?

The Clerk: I apologize, sir. You are in the committee. You are here currently. However, you are subbed in for Mr. Waugh, who is a member of the committee and who is present, so your substitution does not count.

Mr. Mel Arnold: Okay. Thank you.

The Chair: We're moving on to CPC-9.3. Again, I remind everyone that if you look at your song sheets once more, you'll see that the end of the reference number is 641. That is CPC-9.3. That's where we are currently.

Mr. Arnold, your hand is up. I'm assuming that's your legacy hand from the last comment you made.

Mr. Mel Arnold: Yes. It's down now.

Thank you, Mr. Chair.

The Chair: I think, Mr. Genuis, you wanted to get on the list. We're now on CPC-9.3.

Mr. Garnett Genuis: No, sorry. I assume that Mr. Rayes or one of the regular members will want to go first on this, but I'll want to comment on it, as well, after they do.

The Chair: I'm looking for Mr. Rayes.

Go ahead, sir. You have the floor.

[*Translation*]

Mr. Alain Rayes: Mr. Chair, thank you for allowing me to introduce amendment CPC-9.3.

I apologize for earlier. In addition to voting, I made a gesture. As you all know, the lights in the committee room are automatic. Our meeting is long, the lights went out suddenly, and I am slightly claustrophobic.

Having said that, I'd like to introduce amendment CPC-9.3 right away. It proposes that Bill C-10, in clause 7, be amended by adding after line 19 on page 8 the following:

> 9.2 An online undertaking that provides a social media service is deemed not to exercise programming control over programs uploaded by any user of the social media service who is not the provider of the service or the provider’s affiliate, or the agent or mandatary of either of them.

We are therefore proposing to add a new section to the Broadcasting Act.

I'd like to exercise my right to explain this amendment, as we may not all have had a chance to chat about it. It is quite consistent with what we are trying to do, which is to improve the bill as a result of the withdrawal of section 4.1 originally proposed in the bill, and the refusal to reinstate similar provisions through our amendment CPC-9.1.

Earlier, the conversation was about protecting users or small players on social networks who are not part of the so-called closed broadcasting system. The original intent of this bill was to regulate broadcasting companies like Netflix and Disney+. However, as we all know, it has taken a completely different turn since the beginning of the debate. So we see a loophole there.

According to the definition proposed in the bill, “programming control” means control over the selection of programs for transmission, but does not include control over the selection of programming services for retransmission. We believe that the CRTC should not consider that social media sites must exercise programming control over the content that users upload. The CRTC would be over-regulating, which would make it extremely difficult for those users. It would increase the bureaucracy and cause some stress to those people who use social networks in a completely free way.

Not everyone sees this, but again, there is a real difference compared to a broadcaster in the so-called closed system. Everyone has used Netflix before. When you log on to Netflix, you see the programming. In terms of discoverability, we can assume that it must be quite simple to access so-called Canadian programming, or more specifically, French-language or Quebec programs among all the programs that are offered.

When we think of Netflix, we think of a program in a specific setting. I'm thinking of the French series *Lupin*, whose second season we're all waiting for, which will be released on June 11. It will be in the programming, it's settled, it's clear to everyone. The programming can't change at any time. When one season is over, we wait for the release of the second season, which takes some time to be produced. All the better if it's done with artists from our country, whether they are Quebeckers, Canadians, francophones, anglophones, indigenous or anyone else.

Then we have the broadcasters of the so-called open system, which includes social networks in some cases. It can involve everyone. I'm not a company like Netflix, but I can post things on social media. My colleague Mr. Poilievre, who spoke earlier, has many more followers than I do. I'm sure he doesn't want a federal agency to have a say in what he wants to post.

In a recent decision, a judge brought the CBC to heel over its criticism of the Conservative Party for posting a video with excerpts from public broadcasts. The last thing we want is for users, whether they are politicians, the public or artists, to be regulated in this way.

The purpose of the amendment is to remove the notion that social media sites have control over programming. The approach we are proposing today, in practical terms, is in line with that of the European Union in its Audiovisual Media Services Directive. It's important to say that we are not reinventing the wheel. This would allow us to conform to the international practices of countries that are trying to find a fair and equitable way to include social networks. What I am proposing in amendment CPC-9.3 is nothing out of the ordinary. It is perfectly aligned with current practices in the European Union.

● (1950)

The European Union uses the concept of editorial responsibility, which roughly corresponds to our concept of programming control, to differentiate services like YouTube from other players in the so-called closed broadcasting system and platforms like Netflix or Disney+. The European Union makes a distinction in this regard, which the current Liberal government and Minister Guilbeault do not. Perhaps that's why he has been so confused in the various interviews he has given. Not only the Conservatives and the opposition parties, but all Canadians, experts and political analysts could see his failure to understand the issue, which is extremely complex. This is something new; it didn't exist 30 or 40 years ago. With our proposal, we are trying to strike the right balance, or at least improve the bill as introduced.

So I was saying that the idea is to differentiate services like YouTube from other players in the so-called closed broadcasting system and other platforms.

According to the European Union directive, editorial responsibility for programming means exercising effective control over both the selection of programs and how they are organized, chronologically, for example.

As I explained earlier, on Netflix, there is a set schedule. There is no to-ing and fro-ing programming, no algorithms that mean that all the content can change in real time. That simply makes it impossible to apply measures to control discoverability without penalizing certain artists and certain Canadians and Quebeckers who use social networks to make their voices heard.

We are therefore talking about control over the way television programs are scheduled or, in the case of on-demand audiovisual media, listed. It is a way of providing service.

We believe it is necessary to make a distinction to include video sharing services.

The European Union has expressly recognized that a video sharing platform that uses algorithms and automatic means to organize content does not necessarily have editorial responsibility for it. This is extremely important. I want everyone to understand what I'm saying. It is not we who are saying this, it is the European Union. If these platforms do not have editorial responsibility for the content, how can they be forced to ensure discoverability?

It is important to note that some 500 hours of video are uploaded on YouTube every minute worldwide. I repeat: on YouTube, 500 hours of videos are uploaded every minute. We often use YouTube as an example because it is one of the biggest players, but there are all the other platforms that we can't name. We, as politicians, officials and the like, are sometimes in a bubble and we don't even know all the other platforms that young people are using right now, or all the ones that will be created in the future and used by the generations that will follow us. Technology is changing so fast. Five years ago, nobody knew about TikTok. Today, even politicians are pressured to use that platform and post videos of themselves dancing or singing on it. Some people do it; personally, I'm not there yet.

The YouTube model presents videos to users based on their search criteria. YouTube doesn't decide what content to suggest, the user requests do. If I want to see Canadian content or a Canadian artist, if I want to listen to a Céline Dion song and send it to someone afterwards, I do my own search. If I want to see Canadian content, I'll type “Canadian singer” into Google and, believe me, the answer will come up. People know how to program keywords to be discovered. We don't need to ask YouTube to do it for us. We are all capable of doing it. I can do it, the members of this committee can do it, everyone can do it.

● (1955)

People will make their own requests according to their preferences. In some cases, YouTube will recommend content based on users' search histories or the content that they have already listened to, among other things.

I personally subscribe to Spotify. I always have five lists available to me based on the type of music that I listen to. When I'm tired of listening to the playlist that my children prepared for me, because I'm unable to create one myself, I can choose another one from the five suggested to me. The suggested content varies. This gives me the chance to listen to something new.

Given the type of music that I listen to, especially music from Quebec, I discovered a young up-and-coming artist. You may not believe me, but he's the son of one of my wife's best friends. This friend lives a three-hour drive from us. Coincidentally, Spotify introduced me to this young artist through my playlist, when I didn't even know that he was on the platform. I was very proud to call and tell him that Spotify introduced me to him and that my children were listening to him through my playlists, and so on. He's a young artist making his mark. His music is now being heard by people all over the French-speaking world, not just in Quebec and Canada. You can imagine the boost that this can give to his budding career.

A social media outlet with an almost infinite supply of content can't be treated in the same manner as a platform that orders and acquires specific content, such as Netflix. It's impossible, even utopian, to imagine that, through Bill C-10, we can ask the CRTC to manage players in the closed broadcasting system, platforms such as Netflix and Disney+, and social networks in the same way.

The CRTC hasn't even been able to establish clear rules between the big and small players in telecommunications with regard to competitive rates. We all know that. We're currently talking about this matter in the House of Commons. The CRTC found it too complex to strike a balance between the big players and the small companies, which drive down prices for all consumers.

We're now asking them to find a way to play within the algorithms of platforms where 500 hours of videos are uploaded every minute.

It makes sense to impose standards and obligations on the content controllers when the content is ordered and the controls can be implemented effectively. I want to say that to the people who are tuning in.

We can't consider that services with search engine-like functions, which help users find content, contain organized content. This simply isn't possible. We can't consider that they selected content for their users either.

The European Union has acknowledged this difference in nature between open and closed platforms. How can the European Union understand this, but not the Liberal government and its minister? I can't believe it when I see this.

If we were to move forward, if Canada were to apply the same broadcasting standards and obligations to user-generated content, whether we're talking about an open platform such as YouTube or a platform such as Disney+, we would be the only country in the world to do so. I repeat: we would be the only country in the world to do so.

After hearing the explanations provided by the minister in his various interviews, it worries me that we're the only country in the world to implement these types of regulations, especially when we don't have a good understanding of the technical details being discussed. We aren't experts. The experts came to talk to us about the topic.

I didn't speak extensively about freedom of expression or discoverability. I discussed a situation that's currently an issue. We must find a way to improve this flawed bill, despite the fact that a gag order has been imposed on us. In any case, the Liberals can do as they please, with the help of the Bloc Québécois and the NDP. The NDP expressed outrage and said that imposing the gag order made no sense. However, they took part in the discussions to sneak in today's meeting, which we were called to without notice.

● (2000)

Yet, when the bill arrives in the Senate, do you think that the senators won't try to address the flaws? They're smart as well. Moreover, we won't even have finished dealing with all the amendments before us. Senators certainly won't want to vote without having done the thorough work or without having studied all these amendments.

We have a week and a half left before the House of Commons draws to a close. We already know that the Liberal government is recruiting for the election that should be called as soon as the summer break is over. In other words, the cart is being put before the horse. There will inevitably be a hurdle when the bill reaches the Senate. Even if, through various tactics, the Liberals manage to speed up the process, there will be a challenge.

Some people may think that, with the passage of this bill, we can provide support for Canada's cultural infrastructure starting tomorrow morning. The minister is trying to make everyone believe that we're currently losing $70 million each month that could be reinvested in culture. In any case, when it comes to releasing funds, the Liberals have no problem. They print money. For them, money grows on trees. If there's an emergency and support is needed, they have no issue finding money. They come up with indirect ways to do so.

Today, through amendment CPC-9.3, I'm proposing another attempt. Earlier, amendment CPC-9.2 was rejected. Yet we proposed thresholds that were below those of Australia, supposedly the current model in this area. I chose lower thresholds, thinking that perhaps I would convince my colleagues in the Bloc Québécois, the NDP and the Liberal Party that basic guidelines were absolutely necessary and that we couldn't leave this completely in the hands of the CRTC without drawing any lines. We saw what happened in the case of French-language content.

I'm thinking of my colleague, Martin Champoux. He knows how much I appreciate him.

By the way, Mr. Champoux, I have some muffins for you in my car. I thought that I would be seeing you. However, since I'm leaving after the meeting to pick up my daughter in Montreal, I won't be able to give them to you today. That said, I hope to see you again before June 23.

I can't understand why the Bloc Québécois would agree to give more powers to a Canadian organization that has difficulty managing these things, even though they wanted to prioritize francophone and Quebec culture. The current situation is completely illogical.

We're told to support the content. We'll do so. We want the legislation to apply to digital broadcasters in a fair manner, compared to traditional broadcasters. However, we're now in a completely different realm, since we're talking about all social media.

The open letters floating around are calling for the sharing of advertising revenue as a way to help our print media. This bill doesn't provide any support measures. There's a reason why all these publishers are saying loud and clear that the government hasn't done anything. It hasn't done anything in this bill to regulate the role of CBC/Radio-Canada. It hasn't done anything for the writers, who are saying that nothing has been done for them.

Former commissioners and senior CRTC officials now represent several groups, including Timothy Denton, Konrad von Finckenstein, Peter Menzies, Michel Morin and Philip Palmer, who was legal counsel at the Department of Justice and, I believe, general counsel at the Department of Communications. All these people, who know the structure of the CRTC because they worked there, are saying that this must be stopped, that it simply doesn't make sense.

This is on top of the comments made by all the law professors. It isn't just Michael Geist. Many others have stood up. These people know that this bill, if passed, will be challenged immediately.

At this point, we can't play our role as legislators to help the cultural community at all. A gag order has been imposed on parliamentarians who are trying to correct and improve the current bill.

I'll stop here for now. I may have more comments to make later, since I'm sure that some people will be asking officials about the potential impact of our proposals.

● (2005)

I just want to remind people that, when considering this bill, they should take into account the difference between digital media or broadcasters that generate content within a defined structure, and social networks, which are platforms that generate so-called open content. These are two completely different things. Netflix can't be treated the same as a social network. People can't upload content to Netflix, but they can upload content to YouTube. This platform can serve as a launch pad for artists to promote themselves to other users around the world. Afterwards, the Netflixes of the world or traditional broadcasters can raise the profile of these artists through documentaries or new shows. All this helps to increase the number of success stories and the discoverability of our Quebec, Canadian, francophone, anglophone and indigenous artists, or our artists of any origin.

I hope that you'll consider my recommendation through amendment CPC-9.3.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Rayes.

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

[*English*]

The Chair: Go ahead, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I just want to point out the unfair tactic used by my colleague, Mr. Rayes, who brought up those muffins probably in a subtle attempt to influence my vote. I don't know whether this is against the Standing Orders. However, I want to tell him that I'll wait for him in the parking lot so that I can pick up those muffins. I'll be very accommodating with regard to the location.

Mr. Alain Rayes: Mr. Chair, if I may—

[*English*]

The Chair: Mr. Rayes, please respond to the point of order, brought to you by whatever muffin you are holding.

Go ahead.

[*Translation*]

Mr. Alain Rayes: I just want to say that I have seven muffins left in my box, which I need to bring back to Victoriaville, to my family. If any other colleagues are in Ottawa, I'm willing to share the muffins with some of them. I'll make other muffins for my family members, since I'll be arriving very late and I won't see them tomorrow morning before they leave for work or school. If anyone else is interested, like in the old days, we'll meet in the parking lot after the meeting.

● (2010)

[*English*]

The Chair: That is not a point of order. It is a very good point of generosity, but I'm afraid I'll have to rule it out of order.

Now we're all on a culinary track, so let's move off it for a moment and go back to Bill C-10.

Before I go any further, I see Ms. Dabrusin and Mr. Genuis. However, I think, Mr. Genuis, I referred to you earlier, so I'm going to put you first. Then I'll have Ms. Dabrusin follow.

Go ahead, Mr. Genuis.

Mr. Garnett Genuis: Mr. Chair, I'm happy to allow Ms. Dabrusin to go first. She did have her hand up first.

The Chair: Ah.

Mr. Garnett Genuis: On the point of order, it sounded like he was deploying the Simms protocol from PROC. I don't know if the Simms protocol has been brought over from PROC to the heritage committee.

For the substantive intervention, I'll let Ms. Dabrusin go first, and then I'll follow.

The Chair: Thank you, Mr. Genuis, for bringing that up.

From one generous offer to another, Ms. Dabrusin, you have the floor.

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

I will have a couple of questions for Mr. Ripley, but before I get there—because we've covered a lot of ground all around the bill and beyond it—I just wanted to perhaps remind, especially Mr. Rayes when I was listening to him, about a couple of things.

One is that we adopted clause 2 much earlier in this review of the legislation, and that, in fact, created an exclusion for user-uploaded content.

Also, if he would take a look at the amendments that we had introduced with G-11.1, it actually does have a different discoverability rule for social media companies. I need to say "social media companies", not people uploading their content. I just wanted to clarify that because we've covered a lot of ground and sometimes it can be hard to remember exactly where we've been.

There has been a lot of conversation about our artists and what the purpose of this bill is. I think it's been clear all along that the purpose of this bill is that we want web giants who are making money here in Canada to contribute a portion of the revenues they make here in Canada to our Canadian artists. The decision by the Conservatives to block this actually dates back to before this even got to committee. It dates back to when this was first debated in the House. That's just to give some background as we have that conversation.

I believe that one of the questions raised by an earlier speaker was about who the artists are who want the support. I guess I can understand where this question comes from this, given the statements made by the Conservative member for Lethbridge who has been a frequent attendee at this committee. She said that this bill was about supporting artists who "are not able to make a living off of what they are producing...so they require grants that are given to them by the government." It also included a statement saying that artists can "apply for that money so they can continue to create material Canadians don't want to watch".

In some of the previous statements that were made today, there were questions about who the artists were because there were many references to lobby groups. Individual artists like Yannick Bisson, who is the star and director of *Murdoch Mysteries*, which is a big success here in Canada and around the world, have expressed support. There's Jean Yoon of *Kim's Convenience*, which is also popular here at home and around the world. There is also the director, I believe, of *Corner Gas*.

Looking at who's received FACTOR funding—and who the member from Lethbridge felt we do not want to watch—there are people like Grammy-nominated Jessie Reyez, Gord Downie, the Arkells and shows like *Schitt's Creek*.

That's just to give a bit of background because there has been a lot of conversation today about this bill. I think it's important to ground it in what we're actually trying to do with this bill, the artists we're trying to support, artists who have actually spoken up individually to show their support, or who—if we look through the granting systems—have received support, so that they can create the great art that we love here and has been loved around the world.

On that, when I was looking at this specific amendment, I was trying to understand what it adds to clause 2.1.

Can I please ask Mr. Ripley how it ties in with that addition to the bill?

● (2015)

The Chair: Mr. Ripley.

Mr. Thomas Owen Ripley: As the committee is aware, Bill C-10 as tabled includes a definition of "programming control". That term is used in a few places in Bill C-10. You will see a couple of references to it throughout the policy objectives section. With respect to regulatory powers, you will see it referenced in one place, in proposed paragraph 10(1)(c), with a discussion of programming standards.

The definition was included in Bill C-10 to recognize the fact that there are different business models out there. For some of those business models you have the distribution of content, but the entity distributing that content isn't exercising any control over the selection of those programs. Perhaps one of the most simple examples to understand is that in a conventional system, you have cable and satellite companies that transmit the TV channels of others. The TV channel exercises control over the programming that's included on their channel, but Rogers Cable or Bell or Vidéotron do not. This definition was included to make the distinction, again, between those business models where a company does and does not have control. This was intended to be a determination in fact that would be made about any given situation.

The amendment proposed by Mr. Rayes would essentially have the committee clarifying or making it "deemed"—I think that's the word used in Mr. Rayes' amendment—that in terms of content that is uploaded to social media services by unaffiliated users, that social media service is deemed not to have programming control over it.

With respect to the regulatory powers of the CRTC, it would only be a question of whether or not proposed paragraph 10(1)(c) would apply to social media companies. I know we haven't gotten there yet, but to my recollection from a few committee meetings ago, government members did indicate that the intention is to limit those powers as well and their application to social media services. That would be the point at which this amendment would come into play. It's not really directly relevant to proposed subsection 2(2.1).

Thank you, Mr. Chair.

Ms. Julie Dabrusin: Could I follow up with another question, Mr. Chair?

The Chair: Absolutely. Go ahead.

Ms. Julie Dabrusin: How would this amendment detract from the purposes of the bill, or that part of the purposes of the bill, to have the social media companies contributing to the programming and cultural production funds? What would be the negative impact, if any, of this?

Mr. Thomas Owen Ripley: The impact of this amendment on whether social media companies make a financial contribution or not, based on my assessment, is none. Again, the only relevant point when it comes to the regulatory powers would seem to be proposed paragraph 10(1)(c), where you see the use of the term "programming control". The committee hasn't gotten to that section yet to discuss whether those powers will be scoped back similar to the way the proposed section 9.1 powers were scoped back. With respect to whether or not they would have to make financial contributions, this isn't relevant.

● (2020)

Ms. Julie Dabrusin: Thank you.

The Chair: Thank you.

Mr. Genuis.

Mr. Garnett Genuis: Thank you, Mr. Chair.

It's good to see the members of this committee. I think it's my first time subbing in at the heritage committee, but from a distance, I have been following your proceedings very closely out of great interest in the bill's subject matter in general.

Also, I have a particular amendment, which I think you're aware of, that deals with issues of broadcast involving abuses of human rights. Realistically and unfortunately, given the important free speech issues that have to be discussed, we probably are not even going to get to have the opportunity to explore that amendment here at committee. Nonetheless, I appreciate the opportunity to be with you.

I'm supportive of this amendment by Mr. Rayes, which I think advances and protects freedom of speech. It doesn't fully protect it, obviously, as existing concerns about the bill as structured remain, but it's an important step in the right direction.

I'm struck by I guess two points that Ms. Dabrusin made in respect to the comments Mr. Rayes had made about the nature or objectives of the bill. This speaks, I guess, to a broader frustration with the kinds of arguments that are often used to advance the positions that the government takes.

One is to rely very heavily on intention: to say "the bill intends to", "we intend to" or "we intend to do this". An assertion of intention is just not reassuring when experts—former CRTC commissioners, academics and others—have reviewed the text of the bill and have said that "this is what it does" and "this is what the bill says". Good intentions are not enough. Especially for legislators, what matters is what's in the bill. I think we should look at the bill, I think we should look at the amendment we're discussing and I think we should frame our approach to it based on the language of the amendment itself and the language of the bill itself, not on some assertion about intentions.

The other logical fallacy, I guess, that informs a lot of the reasoning of the government in this bill—and, frankly, I think in other bills as well—is the creation of false choices, the sense that we have to choose between alternatives that we don't actually have to choose between. When we're looking at a complex broadcasting reform bill, I think we should identify not just one objective or two objectives, but a broad suite of objectives, and then undertake the development of a framework that achieves all of those objectives.

Government members have said: "We're trying to support artists. We're trying to stick it to the big web giants. Therefore, this is what we're doing." Conservatives have said that protecting freedom of speech is important and that the bill as structured raises issues about freedom of speech—experts have said that—and I think that certainly the amendment we're currently discussing takes a step toward addressing those free speech concerns by providing more protection for users and user-generated content.

I would just say in general that there's no reason why we have to choose between support for artists and protecting free speech. It seems to me, as someone who is not a regular member of this committee and not a huge expert on broadcasting policy—although I have a growing interest in it—that it shouldn't be difficult to construct a framework that supports artists, that charges whatever the legislature deems to be a fair rate of return from large online companies and that also protects freedom of speech. There would be a variety of different frameworks through which that could be done. One would be simply through tax and subsidy.

The minister's latest defence of the bill is that there's money that needs to get to the artists and the delaying of the bill is delaying getting money to the artists. Well, there are a lot of different mechanisms the government could develop for getting money to the artists, and they don't require this bill to do that. There is a variety of different frameworks that they have available.

I think it's the responsibility of governments not to try to set up a false choice. We don't have to choose between commitment to artists and a desire to see content developed in Canada and freedom of speech. We can and we should seek to preserve both.

● (2025)

Some of the amendments that we've put forward don't in any way take away from the objective of supporting artists. As well, prior to the amendments that were put forward at this committee, when the bill was in second reading form, the government argued at that time that it was a framework for supporting artists. That was before the government made the changes that have garnered so much attention in the wider public—certainly in my constituency—in terms of their impact on freedom of speech.

Mr. Chair, I want to make this point, as well, as I think it's particularly applicable to the amendment as it pertains to discoverability on social media and what will be required of users and so forth. I think we have to understand substantively what freedom of speech is and why it's important. Freedom of speech is not just the right to say something. It's not the sort of abstract assertion in a vacuum that people should be able to say anything they want. It develops from an appreciation for the fact that people's speaking and being heard allows for an exchange of ideas; the sharing of information and concepts through conventional speech, as well as through artistic mediums and other forms; the presentation of those ideas; the hearing of those ideas by a wider public and the evaluation of those ideas; and then the creation of combinations and syntheses that in some sense move our society forward.

Freedom of speech is valued because it creates opportunity for people to hear, evaluate and compare different options, to decide what they like and dislike, to decide what they believe is conveying true or false messages in certain contexts, and to compare those messages and come to conclusions. That's why freedom of speech is important. That's the core argument and I think the most influential argument for freedom of speech that someone like John Stuart Mill makes in *On Liberty*, namely, that freedoms allow for the presentation of ideas and experiments in living that allow people to listen and come to conclusions.

What this bill does, I think, and what the government's defence of this bill does is conceptually try to separate this question of a right to speak from a right to be heard. It says that you can post whatever you want online but that we will allow the CRTC to go in and make regulations around discoverability that influence whether or not the things you say online are heard. It tries to sort of take from that right to speak element the question of a right to be heard.

I would just say that for freedom of speech, freedom of expression and liberty in general to be meaningful, it has to include not just the right to sort of speak into a void but also some ability to not have the state interfering with and limiting your ability to be heard.

The powers that I see this bill—unamended and in its present form—giving to the CRTC in the name of discoverability allow a government body to make regulations with respect to not, in this context, what you can say but whether or not you can be heard. That might seem like a distinction, but if we are to try to pull those things apart—the right to speak and the right to be heard—then I think we are really robbing the concept of freedom of speech of its substantive meaning.

What this amendment does is say to the users that they will have the freedom to not be interfered with by the CRTC on the degree to which their content will be heard on social media platforms. That, again, is an important effort that we are undertaking to protect this concept of freedom of speech and to protect it in a meaningful way, in a substantive way, and in a way that goes beyond just the formulaic idea of the right to speak and actually draws from the real meaning of what it means to have a right to speak. It's why our charter and pre-existing constitutional documents have emphasized the idea and importance of freedom of expression.

● (2030)

I do think part of why this amendment is important as well is because it speaks to this issue of algorithm regulation, a question that has not been answered. We've had multiple occasions on which the question has been put directly to the minister. It was asked, I think, by a member at this committee. Is this bill seeking to allow regulation of algorithm? I think it very clearly does. Is this bill seeking to allow the regulation of algorithms, and if it's not seeking to, maybe the government is willing to accept amendments that eliminate the risk of CRTC algorithm regulation.

The minister was as clear as mud on this when he was asked in the committee. He said it's not a yes and it's not a no. I asked the same question during the closure debate of the minister in the House about algorithm regulation. He said something to the effect of "Let me use a vehicle analogy. If we have a car, I hope it's electric, but if we have a car it's...". I'm going to get this wrong. He said, "We're not interested in what's under the hood, we're interested in where it's going." I might have that mixed up. In any event, he used this vehicle analogy that I just didn't understand. I didn't understand what he was conveying. I re-asked the question, and he said he'd answered it, but maybe the member hadn't understood.

Maybe this is just a question I should ask to the officials. I don't know that I want to put them on the spot by asking them to answer a question that the minister has been unable to answer, but it is a technical question that I think maybe they can provide a technical answer to.

Does the bill, as written without this amendment, allow for the possibility of algorithm regulation? If the amendment is added, what is the possible impact on the ability of the CRTC to engage in the regulation of algorithms?

Mr. Chair, can I put that to Mr. Ripley as part of my time?

The Chair: Mr. Ripley, would you like to take this?

Mr. Thomas Owen Ripley: The committee has had an opportunity to discuss this issue before. It is most relevant with respect to discoverability measures or powers that are being given to the CRTC, because I think there's an appreciation on this committee that recommendation engines that are used on services like Spotify or Netflix or social media services like YouTube or others employ algorithms that underpin those recommendation engines.

I've indicated before that, when it comes to the discoverability of creators on social media platforms, it would be premature to judge what the outcome of regulatory proceedings are and how the CRTC may choose to move forward on this issue, given the example of it requiring the profiling of artists or creators on landing pages. That would be one way to increase the profile of artists or creators. Yes, it could also extend to requiring Canadian creators or artists to potentially be surfaced in search results.

The answer to the question is that algorithms are relevant, but I think we also acknowledge that the algorithm is a mathematical formulation that most of us wouldn't even begin to understand, so the emphasis is on the outcome of that. The emphasis is on the profiling of the creator or the artist or the surfacing of those creators or artists. Algorithms are relevant to the extent that they're an important part of the way that recommendation engines work on a variety of different online platforms.

● (2035)

The Chair: Okay.

Go ahead, Mr. Genuis, you still have the floor.

Mr. Garnett Genuis: Mr. Ripley, you shared a lot of information there, but I think I understood your answer much more clearly than the minister's.

Essentially the answer to what you're just saying is, yes, that CRTC is being empowered to engage in algorithm regulation. It would be premature to say how they're going to use that power, but they do have the power to regulate algorithms to achieve certain objectives.

Is that correct?

The Chair: Mr. Ripley.

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

The emphasis I would put on this is that we would expect the regulatory obligation to focus on the expected outcome.

The way that would be put into effect—again I just caution against necessarily assuming where this lands—is assuming that the focus is on our wanting a greater percentage, or representation, of Canadian creators or artists to surface in search results. We expect the regulatory obligation to be focused on the outcome of this, as in, this is how we want to see those artists or creators surface, as opposed to our wanting you to change your algorithm in this specific way. That's the distinction I'm trying to make.

To your question, yes, there could potentially be an impact on the algorithms of these online services, depending on how CRTC puts that into effect.

Mr. Garnett Genuis: Okay.

The Chair: Go ahead, Mr. Genuis.

Mr. Garnett Genuis: Yes.

So you're saying that it could result in algorithm regulation. What you're expecting is that the government will not as much say that you have to change your.... I take your point about the mathematical complexities of algorithms. The CRTC is unlikely to say that you must change this number in the algorithm from a seven to a four and add a plus sign here and a division sign here. They are more likely to say that you have to change your algorithm such that you have XY outcome.

Is that right?

The Chair: Mr. Ripley, go ahead. Sorry.

Mr. Thomas Owen Ripley: Thank you, Mr. Chair. I never want to presume.

When you look at online services like Spotify, the reality is that you do see less Canadian, francophone artists, for example, surface in search results. Indeed, the reason that discoverability powers were included in Bill C-10 from the get-go was to recognize that if we want to make sure that our Canadian artists and creators are being surfaced on these platforms, the CRTC needs the tools to do that.

To your point, we expect that the impacted social media service or the impacted online undertaking would obviously still have control over how they did that, in a way that would continue to jive with their business model.

Mr. Garnett Genuis: Right.

From what I understand of how social media algorithms are supposed to work—and I know there are others calling for greater algorithmic transparency in general, which there are obviously pros and cons for—essentially they are reinforcing things that people seem to like by giving them more things they want.

You're not going to see much Canadian content if you're not clicking on, watching and paying attention to Canadian content. If I start watching *Schitt's Creek* clips on my Facebook, then it will offer me more of those clips to view. The implication, though, of the regulatory direction here is that I might not be selecting those clips and still have those clips continually offered to me. The government might require Facebook to offer me clips that don't conform to my past patterns of use based on some criteria they establish. That's, I guess, what's meant by it. Maybe you could clarify that point.

Also, I want you to just clarify the impact that this amendment in particular around users could have on those requirements as they pertain to my use of Facebook.

● (2040)

The Chair: Mr. Ripley.

Mr. Thomas Owen Ripley: Thank you, Chair.

You're right. My apologies for forgetting that first question in your first batch.

Mr. Garnett Genuis: No problem.

Mr. Thomas Owen Ripley: The impact on the discoverability piece is minimal. What this amendment that's on the table would do is, again, clarify or deem that social media services do not exercise programming control over unaffiliated content that's uploaded to those services.

Again, in part, it would be Parliament answering the question of fact very clearly that it considers all programming that's uploaded to social media services by unaffiliated users not to be under the programming control of those social media services. It wouldn't detract from the fact that the committee has voted to give the CRTC the power to require discoverability measures to increase the prominence of Canadian creators. That would still be in effect and still exist.

With respect to your other question, the way I would frame it is that all recommendation engines likely have many different factors that are driving the recommendations that are made to us. At the end of the day, if you're dealing with a for-profit company, those algorithms, those recommendation engines, would be fundamentally about supporting the business model of that online undertaking.

What I've indicated to the committee before is that the government's position on the discoverability piece is not to fundamentally kind of say that this isn't about not surfacing content that individuals want to watch on these services, but saying that amongst all those factors we think it's appropriate that those platforms make an effort to surface local Canadian artists and creators. It would be one factor that gets fed into that broader calculation that is done that ultimately surfaces content on the platforms that we use.

The Chair: Mr. Genuis.

Mr. Garnett Genuis: Okay. Thank you, Mr. Chair.

I think this will be my last question for you, Mr. Ripley. It's in just a slightly different vein.

With respect to the idea that social media content is not under the programming control of the platform, how does this compare to the way that something like hate speech is evaluated? That's obviously not what this bill is about, but if a person posts something that is in violation of a hate speech law, presumably that content is deemed to be under their control, not the platform's control—

Ms. Julie Dabrusin: Mr. Chair, I have a point of order.

The Chair: Ms. Dabrusin, on a point of order.

Ms. Julie Dabrusin: I think we've let it go quite wide, but now we're not talking about this amendment anymore. We're going further out. I would suggest that it's getting quite late and perhaps it's a good idea to bring it back.

Mr. Garnett Genuis: Mr. Chair, just on that same point of order—

The Chair: Go ahead, Mr. Genuis, on the same point of order.

Mr. Garnett Genuis: —it's interesting that Ms. Dabrusin is objecting. My question is about the context in which content that's on social media would be deemed under the programming control of the user or the platform—

The Chair: Thank you, Mr. Genuis.

Before you go on any further about that, I understand. I can read the amendment where there's a lot of latitude here in the debate, and I'm hearing a lot of it. I do have to caution, sometimes, as we go a little bit off target, to come back to the middle.

I suggest that we try to zero in on target once more to what you're asking. I believe you were about to ask Mr. Ripley a question, so I'll let you have the floor again.

Mr. Kevin Waugh: I'll interject with a point of order, Mr. Chair.

The Chair: One moment, Mr. Genuis. We have a point of order from Mr. Waugh.

Go ahead.

Mr. Kevin Waugh: We've been going on for hours. The meeting was scheduled to end in the next 30 seconds, at 8:45. We're coming back again tomorrow morning from 11 until one, I believe. It may be extended, but we are coming back.

I think that in fairness to the interpreters, the clerks and everybody, Mr. Chair, plus—

● (2045)

Ms. Heather McPherson: It's your birthday.

Mr. Kevin Waugh: Exactly. Here I am. It's a milestone birthday and I'm spending it with you. Now, I love everyone on the heritage committee, but I would like to go home and celebrate.

Ms. Heather McPherson: Perhaps we should sing, Mr. Chair.

The Chair: Before we launch into that, it was probably the most celebratory point of order I've heard in ages. I want to wish you, sir, if I may be so bold as to say it's from all of us here at the committee, a big happy birthday.

Going back to your point about the timing, as I've said before, and I'll say again, it's always with implied consent that we end at the scheduled time.

Now I know it was 8:45 eastern time, but what happened was that there was a delay in allowing some members to get back to this particular virtual meeting because of the votes that were taking place.

However, that time is not far away. The way that this works is this: Even though there's implied consent that we end, if people are speaking, I am not one to stifle debate; the debate will continue.

That being said, I've been notified that services will allow us to go beyond 8:45. We can exceed it and go to 9:30 or 9:45, if you wish. I'm just saying that for the sake of absolute transparency. I'm not saying you have to go to that time. If you feel that this has gone on too long, there is a remedy for that, and I don't think I need to explain what that remedy is.

Mr. Waugh, God love you. It's your birthday, and I appreciate that. However, in the meantime, I do have to run the committee.

I think that deals with the points of order that were raised. I'm going to go back to Mr. Genuis, unless somebody else wants to weigh in on that point of order as well.

I know there are hands up, but I am assuming that's only for the debate.

Mr. Champoux and Mr. Rayes, I'll get to you during the debate.

In the meantime, Mr. Genuis, you still have the floor.

Mr. Garnett Genuis: Okay. Thank you, Mr. Chair.

[*Translation*]

Mr. Alain Rayes: I raised my hand to speak about the point of order, Mr. Chair.

[*English*]

The Chair: I apologize, Mr. Rayes. I didn't realize that you were rising on a point of order.

Go ahead, sir.

[*Translation*]

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

I don't know the procedure and I'm not sure that I understood the reason for Mr. Waugh's point of order. However, I feel completely worn out from my day. I'm also thinking of the interpreters, who have been here since 4:30 p.m., when we received the first notice for the meeting. I'm also thinking of the staff who are here with us. I'm wondering about the procedure for seeking to adjourn the meeting.

I should point out that a gag order has been imposed. We have five hours of debate. Since we have a two-hour meeting scheduled for tomorrow, we'll have used up the five hours by the end of tomorrow's session anyway.

[*English*]

The Chair: I don't want to launch into that debate all over again, sir, but I will say that the remedy I spoke of earlier, of course, would be an adjournment. However, we are in the middle of the point of order, and I can't allow a motion to be put forward on a point of order.

Therefore, I go back to Mr. Genuis.

You have the floor.

Mr. Garnett Genuis: All right.

Mr. Chair, I don't want to be too prescriptive, because I'm not a regular member of this committee, but in deference to my colleagues, I'll move a motion to adjourn and see where the chips land.

The Chair: Madam Clerk.

The Clerk: Is that a motion to adjourn the meeting, sir?

The Chair: Yes.

The Clerk: Just to confirm, voting yes would adjourn the meeting and voting no would continue the meeting.

(Motion agreed to: yeas 10; nays 0)

● (2050)

The Chair: I'm sorry, Mr. Rayes. I see that your hand is up, but we are officially adjourned.

Did you want to say happy birthday? That's the only thing I can allow, because I want to be nice.

[*Translation*]

Mr. Alain Rayes: I want to wish him a happy birthday. Since we didn't have dinner, I'll be waiting for him with my muffins to celebrate his birthday. There will be muffins for anyone who wants them.

Mr. Martin Champoux: Happy birthday, Kevin.

[*English*]

Ms. Heather McPherson: Happy birthday, Kevin.

The Chair: All right, everyone. The meeting is adjourned.