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Chair

Mr. Tom Lukiwski

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• (1100)

[English]

The Chair (Mr. Tom Lukiwski (Moose Jaw—Lake Centre—Lanigan, CPC)): Colleagues, welcome to the 97th meeting of the Standing Committee on Government Operations and Estimates. I have a few comments before we get into our presentations.

We have two witnesses with us today, and we have two hours allocated. We will continue with the questions as long as there are questions from any member of either the government or the opposition. Following the exhaustion of questions, if we have no other business, we will adjourn at that time. We'll see how far this takes us.

First, I'd like to welcome the witnesses who are with us today.

In person is Mr. Jonathan Rose, associate professor in the department of political studies at Queen's. Thank you, Mr. Rose, for being with us.

By video conference we have Mr. Alex Marland, who is a professor of political science at Memorial University in Newfoundland. Welcome, Mr. Marland. Can you hear us?

Dr. Alex Marland (Professor, Department of Political Science, Memorial University of Newfoundland, As an Individual): Yes, I can, thank you.

The Chair: Thank you very much.

Colleagues, with that brief introduction, we'll start our presentations. My understanding is that both of our witnesses have approximately 10 minutes each for their opening statements.

Mr. Marland, we will start with you. The floor is yours.

Dr. Alex Marland: Thank you very much. I can't tell you how excited I am. This is really... [Inaudible—Editor] Thank you very much for asking me.

I think it's helpful, just before I—

[Technical difficulty—Editor]

The Chair: Professor, we'll take a time out. We're having some technical issues. We'll see whether we can rectify them, and once we do that, we'll get you to restart.

Okay. I think we're fine now so, sir, if you wouldn't mind, perhaps you could start your presentation once again. Hopefully we'll be uninterrupted by technical difficulties.

Dr. Alex Marland: All right. Communications, eh?

The main thing I wanted to start by saying is how excited I am to be doing this. Thank you very much for asking me.

I think it's helpful to understand where I'm coming from as somebody who studies government and political communication.

The first thing you should know about my approach is that we should think about communications much as we think about ethics. By this I mean that a situation is rarely black and white; it's not as though somebody is always necessarily wrong or always necessarily right. Situations are constantly in a state of evolution, and we should think of a lot of it as a matter of opinion.

What I often say when I'm interviewed by journalists is that much is in the eye of the beholder. When journalists ask me something, I'll say, "Well, you may think that, but somebody else might think something different."

It's also helpful to understand that the academics who study in this area sometimes are very critical and sometimes very political. I myself—very much, I would argue, like Dr. Rose—try to eliminate biases in the research I do, to identify information, and to present suggestions for reform that people would say are non-partisan and pragmatic.

I would suggest that the default position of government, no matter which political party happens to be in government or whether we're talking at the provincial-territorial level, should be transparency. More than that, the default should also be proactive disclosure, so that information is available before people even ask for it.

I also think that, just as a general principle, we should recognize that in the political game there are different opinions based on whether a party at any given time happens to be in government or in opposition. We should accept the fact that many public servants are risk averse; they're secretive, they're worried, and they are increasingly operating in a frenetic, online public sphere.

Journalists often have unrealistic demands. They're doing an important job, but at the same time their timelines are shrinking. They make demands on what must be available and when it must be available, and it can be very difficult to be able to provide that information to them in a timely manner.

Last, I think we should accept that people have different political agendas. We can't live in a world in which we just say that everything should be available all the time, because the reality is that sometimes information may cause actual harm. The question is one of trying to figure out when that might happen.

To focus my suggestions about the kinds of things that might be done, I wrote a book called *Brand Command*. This particular book is the one I'm going to refer to in a moment.

On pages 369 to 377 there is a list of suggestions. The first suggestion, the one I'm actually excited to mention, is to have Parliament regularly update the Government of Canada's communications policy. I'm really pleased to see that we're even having this conversation.

The second suggestion—whether or not Parliament would be able to do this is another matter, but I recommend it—is that there should be a political communication code of ethics. In the book I get into the reason I think that would be helpful.

Here is something which I think Parliament may want to consider doing. In my opinion, there should not be public taxpayers' or any donor funding provided for what we would call “de-branding”—often people refer to it as “negative advertising”—without people's specific, explicit knowledge that money is going in that direction. Some of this is explained in the book.

The fourth thing I recommend is that political parties should not be using the official colours of the Government of Canada. That's a very non-partisan statement, but it is important to me that there not be confusion between a political party and an operation of the government.

I think Mr. Whalen is on your committee, from Newfoundland and Labrador. He would know that here in Newfoundland and Labrador it's very common for the licence plates to change colour. If you're in Newfoundland and Labrador and you see that the licence plate is blue, it's usually because of what political party is in power at the time. If the licence plate is red, it's because....

Yes, he's nodding his head.

These are the kinds of things that happen quite a bit, and to me they're a source of concern.

• (1105)

Next, in my view there should be annual reports about money that is spent on what we would call photo ops, or what is often called in academia “pseudo events”. We have annual reports for advertising and public opinion research. I think it's magnificent that they do those, but I would suggest that reports are actually needed on spending related to photo ops. Photo ops involve an awful lot of time and effort and can be seen as an alternative to advertising. It seems to me it would be useful to have such reports.

The last thing is—again, whether or not it were Parliament doing this—it would be helpful for society if we were to have a form of checklist to assess government advertising. When I do interviews with journalists, they're often trying to understand whether or not government advertising is acceptable or whether it's seen as partisan. There's nothing I can ever say to them. I can't say, “Look at this list; this is the list of things that exists.” Dr. Rose knows that in Ontario, for example, there is a bit of a list that can be drawn upon, but the lack of any form of guidance for journalists can be quite difficult.

I have two further suggestions to bring to the committee's consideration.

Since I prepared *Brand Command*, I've conducted some research using access to information for both the Government of Canada and the provinces and territories. A further suggestion I have is that, in my view, communications planning templates should by default be available online. What I mean by planning templates is anything that I would call or academics might call “below-the-line documents”, such as planning documents for media inquiry processing. Templates don't have to be filled out, but they would provide the structure of things.

Think about a briefing note. The structure of what is in a briefing note is often publicly available. Certainly for a cabinet paper we would see what the structure is. What we don't see, however, is the structure of communications planning templates, such as for event planning, for rollout plans, for calendars, all these things that, to me, should by default be available online.

The last comment I would offer is that a little more recently—I haven't researched this, so I have to preface my comment with that—I'm coming to the opinion that it would be helpful to have proactive disclosure of social media campaigns. I absolutely understand why the government is heading in a direction in which, in lieu of television advertising, for example, or print advertising, much of the advertising is going online: it's very targeted; it's efficient.... There are many other reasons that it's useful. It's good value for money, obviously. The challenge is that only certain people might see that information, and a government, in my view, should make sure that everybody has the opportunity to see information that it makes available. This is especially the case for those who don't happen to be on social media.

I would argue that it would be useful to have a depository in which anything that involves social media could be seen by people easily and they wouldn't have to search anything out. Again the default, in my view, should be proactive disclosure rather than reactive disclosure, as a general working principle.

I've managed to stay within 10 minutes. I hope that's okay.

Thank you.

The Chair: Thank you very much, Professor.

Next we have Professor Rose.

You have 10 minutes, if needed, sir.

Professor Jonathan Rose (Associate Professor, Department of Political Studies, Queen's University, As an Individual): I also want to thank the committee for the opportunity to speak. Like Alex, I've been researching and thinking about this topic for many years. I wrote the first book on government advertising and I was involved in the 2002 Auditor General's inquiry on advertising, sponsorship, and public opinion. More recently, I co-wrote a report for Elections Nova Scotia about how government should limit advertising before an election. For 10 years I have been on the provincial Auditor General's committee in Ontario that reviews government advertising.

My comments really are informed by that experience. Coming before this committee, a committee that is studying the subject, I now know what it's like to be a Trekkie at a *Star Trek* convention. Thank you for giving me that opportunity.

I'll cut to the chase. The changes that are made are, on the whole, welcome amendments. I agree with Professor Marland that there are various ways of seeing the same issue, but on the whole, they are on balance going, I think, in the right direction. What they attempt to do is curtail the impulse of governments of all political stripes to use taxpayers' money to buy voters' favour. They also place adjudication of advertising in the hands of a third party, which I think ensures legitimacy.

Having said that, I think there are some areas that can be improved. In the time I have, I want to talk about three areas: first, the definition of partisanship; second, the very narrow definition of advertising; and third, some issues around the 90-day ban.

Let me preface this by saying that it should be the goal of all governments to limit or prohibit partisan government communications. The Government of Canada has come a long way since Clifford Sifton, the minister of the interior in Wilfrid Laurier's government, advertised Canada throughout Europe and described the winters in Canada as "bracing" and "invigorating"—a nose-stretcher, to be sure. After that, prior to the Quebec referendum, the federal government spent massive amounts of money on the Canadian Unity Information Office extolling the virtues of federalism.

I say this because it's not a surprise that for years the Government of Canada has been one of the top 10 spenders among advertisers in the country, and Canada historically has spent more per capita on advertising than any other democratic country. Thankfully, in the last 10 years, post-Gomery, this has changed. I think the governments of both political parties have taken great steps to improve the situation.

Let me move to partisanship. I think the most significant change is around banning partisanship.

In the policy, non-partisan communication is defined as information that is "objective, factual and explanatory"; that is "free from political party slogans, images, identifiers..."; that does not use a colour "associated with the governing party"; and that doesn't include a voice, name, or face of an MP.

These are all things on which I think reasonable people can agree. What is noteworthy is that with one exception—the "objective, factual and explanatory" one—partisanship is defined as something in the absence of things: you can't have party slogans; you can't have party colours; you can't have an MP. Perhaps this negative definition is a result of the inability to clearly define what is partisan. It brings to mind U.S. Justice Potter Stewart's famous line, "I know it when I see it."

I would have liked to see the policy state positive standards to which government advertising must adhere and give greater latitude to the independent review body, the Advertising Standards Council. I think they should be given greater discretion in that the discretion they have is pretty limited.

The gold standard, in my opinion, is the Government of Ontario's Government Advertising Act of 2004. In its original version, prior to

its being amended in 2015, the act placed the burden on the government to defend its use of advertising. In other words, all ads had to inform the public of policies or services, inform about rights, or encourage or discourage social behaviour in the public interest. These explicit goals placed the obligation on the government to demonstrate the need for an ad campaign in addition to demonstrating that it wasn't partisan.

More crucially, a required standard was that it "must not be a primary objective of the [ad] to foster a positive impression of the governing party or a negative impression of a person or entity who is critical of the government". "Feel good" ads that serve no obvious public policy purpose, such, I would argue, as the Canada 150 ads or the economic action plan ads, would fall under that category.

• (1110)

The determination of whether an ad was partisan fell to the advertising review group, as I said, a group of which I was a part.

Prior to its being amended in 2015, the act allowed the Auditor General to determine the context of the ad or advertising campaign, and I want to suggest that context matters enormously. Sometimes a perfectly appropriate government ad can be supplemented by a political party ad that communicates the same thing. In those cases, the government ad is a thinly disguised attempt to leverage party advertising through government advertising.

This was exactly the case with the Ontario retirement pension plan of the Ontario Liberals. This campaign, which ran in 2015, met the standards and was broadcast by a very similar policy of the Liberal Party. Unfortunately, changes to the act in 2015 allowed this, and assessment based on context was no longer permitted.

I should say, then, that this kind of advertising, in which party advertising piggybacks on government advertising, would be allowed under your changes. That's something you may want to think about.

The second thing is the scope of advertising. Louise Baird, who spoke before this committee on June 15, said that a "video that is produced and put on our departmental website" is "not considered advertising under the policy", and of course, Ms. Baird is right. The issue is made clear by the policy on communications and federal identity, which states that government advertising "is defined as any message...paid for by the government for placement in media". Well, what exactly is "placement"? Without being able to scrutinize government websites, there is a potential for content that is laudatory but that provides no information, not unlike the 24-7 campaign from a previous PMO.

The principle here is simple. There need to be rules in place so that if and when a government's good judgment lapses, that government can be held to account. Internet advertising by government has grown 126% from 2012 to 2015, the last year for which data are available. Virtually all ads in the traditional media of radio, print, and TV feature links to the Internet. If those websites are not covered under the changes, the reviewed ad that the ASC is looking at can simply serve as a way to drive traffic to a government website that does not adhere to the criterion.

In Ontario, the Auditor General reached an agreement with the provincial government that recognized that the link was actually an extension of the ad. We reviewed what we called the “first click”: if the ad took you to a landing page, the first click after that was also reviewable. That was important, because it prevented innocuous government ads from being teasers for non-reviewable partisan ads.

The last thing I want to talk about is the 90-day ban. This is an important improvement on past practice, but the research I've done has shown that governments spend more money in the year preceding an election rather than in the 90 days before it. The 90-day ban may thus have little effect. Moreover, the 90-day ban prior to the general election would not stop governments from advertising during by-elections. If we follow the same principle that advertising is undue influence during an election, surely the same logic must hold true in a by-election.

There are two provinces that have legislation limiting government advertising, and their practice might be instructive for the committee.

Manitoba also has a 90-day rule, but with prohibition during by-elections.

Saskatchewan is more nuanced. Advertising is banned during the election period, which is fixed at 27 days, and for 30 days prior to the election period. In the 90 days prior to the election period, however, the province limits what governments can advertise: only advertisements that inform the public about programs and services are allowed. Moreover, in the 120 days before the election period in Saskatchewan, the government is not allowed to spend more money than it did in the same time frame in the previous year, and as in Manitoba, advertising is banned.

I would urge the committee, therefore, to think about banning advertising during by-elections. With the average campaign in Canada being about 50 days long, this means that the present ban is only for 40 days, on average, before an election. If the next campaign were as long as the last one was, it would only be for about two weeks. That gives a lot of leeway to prime the electorate with government ads.

I think I've used up all my time. I'm happy to take questions on that or anything else. Thanks for your time.

• (1115)

The Chair: Thank you very much, Professor.

We'll start with our normal round of questioning, which will be a seven-minute round. We'll begin with Mr. Whalen.

Mr. Nick Whalen (St. John's East, Lib.): Thank you both for coming today and assisting us with our study on advertising policy. I'm glad to see, Dr. Marland, that we've at least hit your first recommendation. It's good to know.

Can you explain a little more about “negative branding” money? Certainly the opposition, being all members of a party, has access to a certain amount of resources that don't fall explicitly into the advertising category but serve some of the purposes Dr. Rose talks about: they're communications regarding our positions. From the opposition's perspective—and many parties have an opportunity to be there—it's inherently negative.

Can you describe what you mean concerning negative brand money and how it influences in a different way?

• (1120)

Dr. Alex Marland: Sure. I should probably preface it by saying that negative information isn't necessarily inherently bad. It is actually useful for Canadians to hear things, even if they're not always positive. The thing that concerns me is the fact that you can spend advertising dollars during an election campaign, and a fair bit of that money is essentially subsidized by taxpayers, either through the fact that donations to political parties are tax deductible, or because a portion of the spending is returned after the fact if you meet certain thresholds.

Effectively, what that means is if very negative information is occurring, the public is subsidizing that negative information. The question for me is where we draw the line. How do we even define what is negative or beyond the pale? I haven't seen any research about this, but I have to assume most Canadians would not want their taxpayer dollars going to support blatantly negative advertising or other negative activities.

That's what that comment is about.

Mr. Nick Whalen: Another one of the suggestions—and I'm just trying to wrap my head around what it means, what it would entail, and how it compares to the existing standard—is proactive disclosure of social media campaigns. What currently exists, then, with respect to proactive disclosure on radio and television campaigns, and how do the two of them compare? Can you explain that to us?

Dr. Alex Marland: Sure. For me, the big difference is that social media is very efficient in that it allows you to focus on a certain cohort. You target people who will see the message, but some people will not see that message. The issue for me is that when you have television advertising, it's relatively open. A lot of people might be able to see it; journalists can report on it, and people who are not part of the government can raise concerns about it, if there are any.

The issue with social media is it's so narrow. Information can be made available to a small segment of Canadians and not to others to potentially take a look at, evaluate, and understand whether it's appropriate in their opinion.

It would be useful if we could find a way to say, “If you have a social media campaign, that information also needs to be deposited in some website clearing house that we can all consult.” We would know, at any given time, that these are the activities the government is undertaking insofar as communications activities are concerned, when it comes to social media.

Mr. Nick Whalen: Maybe you'll bring Dr. Rose in as well on this. A social media ad campaign could have a number of different versions of the same ad, and the links embedded in those versions could actually point different people to different places depending on their demographics. Maybe if a child clicks on an ad, they'll be sent to a child's version of the information on the website. If an older person clicks on the ad, they might be sent to a different spot on the website that answers questions more frequently asked by older people, or of a political persuasion. How does this juxtapose against Dr. Rose's suggestion that we should cover off the unpaid advertising that exists on government websites, and how does the interplay go?

I'm going to leave this open to both of you.

Dr. Alex Marland: I'll just make a quick comment.

We should look at the high-level principle, which is.... Yes, certain things you might click on might take you to different places. We should also consider that you can have two identical computers next to each other, and you're exposed to information on one that you're not on the other, even though you're on the exact same website, just because of your browsing history, for example.

Personally, I wouldn't be as worried about where you're getting directed quite as much as I would be about the message that's there. If there happens to be a banner advertisement sponsored by the Government of Canada, somebody like me would say it's important that all of us have a chance to see that banner advertisement, not only those of us who happen to be exposed to it through social media because of our particular demographics.

The Chair: Professor Rose.

Prof. Jonathan Rose: I would just like to answer the question you asked Professor Marland earlier about negative advertising. Interestingly enough, studies in the United States have shown there is more information found in negative advertising than in positive advertising. There are more lies in positive advertising than there are in negative. It has something to do with how we understand what is contentious. If you're going to make a contentious claim, you'd better have the evidence to back it up. I just wanted to add that before I answer your question.

On the question about how we archive or store them, I'd refer you to Professor Marland's idea from earlier, which I would endorse fully, that we need to maintain the principle of transparency. In Australia, for example, they not only have the advertising budgets on the website, but they actually have the companies that receive each campaign and the amount. The annual report of the government for advertising is useful, but it doesn't break it down in that much detail. Also, interestingly enough, in the interest of transparency, it comes out 10 months later. The 2016-17 report will come out in January 2018, 10 months later. It's very difficult for opposition members to hold the government to account if they're looking at a historical document.

• (1125)

The Chair: Thank you very much.

We'll now go to Mr. Diotte, for seven minutes.

Mr. Diotte, welcome to our committee.

Mr. Kerry Diotte (Edmonton Griesbach, CPC): I'm glad to be here. I just went through scrutiny of regulations, so this is far more entertaining.

This is for both professors.

According to the Canadian Code of Advertising Standards, consumers may direct complaints about advertising that contravenes the code to Advertising Standards Canada, but on June 15, 2017, the committee learned from a representative of the ASC that if a complaint alleges that an ad is partisan, that's something the ASC would forward to the government to deal with.

Do you think it's wise that complaints about government ads being partisan should be forwarded to the government to be handled?

The Chair: Professor Rose.

Prof. Jonathan Rose: I'm very glad you asked that.

The ASC is an excellent organization for monitoring and regulating commercial advertising, but if you look at the 14 criteria they monitor, many of them don't pertain to government advertising. Advertising about price discrimination, bait and switch, etc., aren't things you'd find in government advertising.

When I read that line in the testimony of the committee, I was surprised because it seems to me that if the external independent auditor is to have any teeth, it needs to hold government to account. Merely saying to the government, "You're in contravention of the standard", is not really holding it to account, so that is a bit of a problem.

One other option that the committee may want to think about is the creation of an advertising commissioner, who would be an officer of Parliament who would be responsible to Parliament and provide data around all of these things that Professor Marland and I have talked about. That would make it transparent.

The Chair: Professor Marland.

Dr. Alex Marland: I would add that I find in some ways it's actually helpful for Canadians themselves to be able to arrive at these judgments.

As I mentioned, I often find it's journalists who struggle. If we think about journalists, they're often the ones who are telling stories of Canadians and acting as that fourth estate. When I talk with them, they really struggle to try to understand what might be seen as partisan, what might not be, what is appropriate, and what isn't.

If we were to generally come up with some parameters that are broad, yet sufficiently precise, and which are publicly available, then yes, we might have an arm's-length group taking a look at things, or it could be an officer of Parliament.

What's really important to me is that somebody like me, when asked something, can say, "Here is the information online and here are the principles. Why don't you make an informed judgment for yourself based on these principles?" We don't always have to rely on all these other agents to do it.

That would be my general view, that it is actually helpful for Canadians to have some guidelines themselves.

Mr. Kerry Diotte: The other point I want to make is that, since coming to power in 2015, the current government has spent \$13.6 million on sponsored social media content. That was reported.... I think people have read that story in the media.

For the Advertising Standards Council to investigate whether an ad is partisan or not, the ad has to cost over \$500,000.

What is the solution to that? We know Facebook campaigns are very cheap and effective. How can anybody investigate, or how should we go about monitoring those smaller spends? You can do a lot of indoctrinating with very little money.

Both of you, what's the solution to that?

• (1130)

The Chair: Perhaps we'll start this time with Professor Marland.

Dr. Alex Marland: In some ways I would bring it back to my comment before, about how we need to also think about photo ops. To help get to an answer to your question, if you think about the fact that the government on a regular basis is putting all this time and money into preparing events for the cameras—events that are also ending up in the news—that is a level of monitoring that is really important. We can get hung up on dollar amounts because it's easy to see the dollar amounts for how much is being spent on social media. But we need to understand the dollar amounts and time that is involved in these photo ops because, in the end, the news coverage they generate.... I've read numbers over the years about how, for example, a news story is worth eight times the value of an advertisement. That's why those are a good use of money, but at the same time, a lot of effort goes into them.

Before I can even begin to try to understand how we deal with the small dollar amounts relating to something like Facebook, I would almost say I need to get a better handle on why we're not asking questions about the amount of money that's spent on photo ops.

The Chair: Professor Rose.

Prof. Jonathan Rose: What you've asked is really an interesting juxtaposition between where the changes have gone. Based on traditional media, \$500,000 is a very reasonable amount. The observation you made, however, and the point I raised about digital media increasing enormously and being much cheaper should raise some flags.

What is the solution? One is to try to develop a change in the culture of government departments—because right now the regulation says they can voluntarily request a permit under \$500,000—to one where that is seen as the norm. The second solution is to rethink whether that \$500,000 ceiling is adequate in an age of social media, where governments are continuing to spend more money.

The Chair: We have time for a very brief question and answer.

Mr. Kerry Diotte: In general, for either of you, if you could wave a magic wand, what would be the one thing you'd want to see changed to make the situation better?

The Chair: I'd like a very brief answer from both of you.

Dr. Alex Marland: My answer is proactive disclosure.

The Chair: Thank you very much.

Professor Rose.

Prof. Jonathan Rose: The one thing I would see changed is an accountability of the external adviser to Parliament.

The Chair: Thank you, both.

Mr. Weir, for seven minutes, please.

Mr. Erin Weir (Regina—Lewvan, NDP): I'm very happy to have both of you here. I actually quoted an article by Professor Marland at a previous meeting, so it's great to have you here, not quite in person but by video conference.

One of the points you made was about the importance of preventing party colours from being used in government materials. One of the obvious challenges at the federal level in Canada is that our flag and many of our national symbols are red and that's also the colour of the Liberal Party.

Mr. Kyle Peterson (Newmarket—Aurora, Lib.): Hear, hear!

Mr. Erin Weir: I wonder if you can propose a solution for that.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Change the flag?

Dr. Alex Marland: It's a good question.

When I was writing that recommendation in *Brand Command*, I really gave a lot of thought to all the research I had done, and a lot of it was under the previous government. I didn't want to come across as somehow conveying an opinion about a given political party. It's important to consider that this is something that also happens at the provincial level under different political parties.

The challenge is that under the previous government, there was this constant attempt to try to almost confuse—I don't know if it's confuse or simply combine—information in such a way that you couldn't tell the difference between what was party and what was the state, what was government and what was party. That became something a lot of people were concerned about.

The problem, I would suggest, is that with the current governing party, that's inherently part of it, just because of the nature of the colour schemes. If we can somehow remove ourselves from having opinions about whether we like one party or not, if we could just objectively look at it, to me that's the problem.

One of the recommendations I'd mentioned was that, in my opinion, the Government of Canada should be using red and white all the time. Those are the official government colours. They should be everywhere, and everybody should be able to recognize that. It's very sensible from a brand point of view that if you see red and white, you think Government of Canada. Of course, the trade-off to that is if any given political party happens to be using those colours, it becomes a problem.

This is where I go with my recommendation. I really just came to the conclusion that this is a problem we need to wrestle with. I'm not passing judgment on a party; it's just an issue we have to contend with.

•(1135)

Mr. Erin Weir: Would political parties be restricted from using those Government of Canada colours? What would be the solution?

Dr. Alex Marland: I thought about that, too, because of course we have the Charter of Rights and Freedoms, and it's also really important to make sure that people can communicate things. We don't want too much regulation.

My suggestion has to do, again, with funding. If you go back to thinking about how money is returned to parties and to election campaigns from the government, then if there is a provision that says you're unable to receive this money if your colour scheme happens to be that of the government, for me that creates an incentive to say, "Well, gee, we have to try to figure this out for ourselves."

I'm not suggesting political parties not use the maple leaf. The maple leaf is a very common symbol and it's very helpful for Canadians, but my concern is about any given party using colours identical to those of the government. Again, I want to emphasize my point that this also happens at the provincial level and with different political parties.

Mr. Erin Weir: Thanks.

To shift over to Mr. Rose, I really appreciated your point about the "first click" rule, because one of the challenges we face is that the government would argue that videos on department websites, such as Destination Canada, aren't advertising, but then they will spend money promoting that material on social media. I think you have actually suggested quite a useful solution.

I also want to ask you about the suggestion of restricting government advertising during by-elections. We have a number of federal by-elections coming up. I'm wondering if that restriction would be across the country, or whether it would be for some sort of local media market. If so, how would that local market be defined?

Prof. Jonathan Rose: This is a question we wrestled with in the Nova Scotia committee that I was part of. One of the realities in modern communications, of course, is that it's not bound by electoral districts. To say you have to limit government advertising in the district and in the surrounding districts is kind of meaningless.

As you know, we have a ban on government advertising during an election, and the country doesn't seem to fall apart. I can see no reason why banning it during a by-election—of course, unless it was an emergency or a pressing matter—would be harmful to the public good. In fact, it would aid in ensuring full transparency.

Mr. Erin Weir: So your sense is that essentially the country could get by without the government advertising, but presumably you think government advertising is sometimes of value, or in the public interest.

Prof. Jonathan Rose: Yes, absolutely. Government ads can be very useful if they provide a lot of information, or if they're telling citizens about services that are available to them. Too often, government advertising is used to placate citizens and make them feel good about being a Canadian, and in an election campaign that kind of spillover might have an effect for one candidate over another. That's what we need to be leery of.

The conversation you and Professor Marland just had about colours is really a conversation about how we ensure that government advertising is seen as separate and distinct from party advertising. In an election campaign, there is lots of party advertising, so my solution would be to stop government advertising.

The Chair: You have just under a minute, Mr. Weir.

Mr. Erin Weir: Okay, fair enough.

I have a quick question for Professor Marland. Maybe if we run out of time, you can come back to it.

You've really emphasized proactive disclosure, which I think everyone would agree is a good thing. There is currently a debate in Parliament about changes to access to information, a concept on which the government has really hung its hat. Some of us have tried to suggest that proactive disclosure isn't really a substitute, because access to information is about getting material and documents that the government doesn't want to disclose, proactively or otherwise.

Do you have any quick comment on that?

•(1140)

The Chair: You'll have to be very quick.

Dr. Alex Marland: You need both, right? I agree that proactive disclosure means that hopefully somebody like me or others would not need to use access to information, but I would still want to use access to information for all sorts of things that I'm looking at, asking, "Well, how do I know everything they're presenting to me is exactly the entirety of it?" They're not the same, but it's definitely an important concept.

Mr. Erin Weir: Thanks very much.

The Chair: Thank you very much.

Madam Shanahan, for seven minutes, please.

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): Thank you very much, Chair. Thank you to the witnesses for being here today. This is extremely interesting.

There's one thing that's floating around in my mind. Are we chiefly concerned here with the nature of government or public advertising, or is it with the amount of the ad spend? That question begs a follow-up on my honourable colleague's concern about the money spend. Social media advertising is disrupting the whole traditional advertising spend—you know, dollars actually equal impact. It's a whole new world out there. There's a philosophical side to this conversation, which is exactly the kind of conversation I like to have, personally, and that's just something I want to throw out there.

On the money side, the \$13.6 million, my understanding from reviewing my notes was that a lot of that was government departments. That also comes back to this question of how, when we say government ads, we immediately think government, executive, political-type advertising, whereas I think we're trying to get to a place where we're talking about public service information campaigns, which are in the public good.

I'd like to have your comments on both of those. If I can get to the external review question, I'll get to that as well, but it brings to mind the 1970s, when the concern of the day was subliminal advertising. Are we talking about that?

Maybe Mr. Rose could answer first, and then Professor Marland.

Prof. Jonathan Rose: The issue is not so much about the amount of money spent. In fact, one of the changes, which reduces it by \$40 million as I understand it, is a good step in the direction of reducing government advertising. It's really around the propriety of advertising, in other words, ensuring that government ads fulfill a strong public service goal. That is where those criteria are so important and where, as I tried to suggest in my comments, what is needed are statements that justify and get the government to explain why government is needed. What function is it fulfilling? Is it informing citizens? Is it telling them about rights? Is it telling them about services? Where is the demand for this?

In Ontario, and I'm sure at the federal level, all ad plans come with a public opinion survey that demonstrates the need for the campaign. That's very important, because it justifies that the campaign is legitimate.

Mrs. Brenda Shanahan: Okay, thank you.

Professor Marland.

Dr. Alex Marland: I'll just say you started in the right order, because Professor Rose definitely has a lot of expertise in the area of government advertising. Just to prove that point, when you were asking the question, I was thinking back to my point about how we really need to be thinking about these photo ops.

It's very easy for a lot of us to think about advertising. Advertising is often a pejorative word, but as Dr. Rose has mentioned, there are actually quite a lot of good things about it. However, for somebody like me, I look at communications as a whole, and advertising is often just one component of all the different touch points that government will have with Canadians. So it's easy for the media to say there were this many million dollars spent on advertising, which in itself sounds kind of bad, right? We shouldn't be spending anything on advertising, because it's about mind control or propaganda. There's just this inherent sense that it's evil and wrong.

I would suggest that, in some ways, if we actually had the dollar amounts for how much money was being spent on these pseudo events, these photo ops where you have all sorts of government employees planning for an event, where you have people being potentially flown in, you have rooms being rented, you have signs being made.... You have all these things going on, and what's happening is you have very structured speaking notes and information going out to journalists. These events are not really designed for the public. These events are actually designed for the media, so the media can then take that information and go out to the public.

From my perspective, unless we have the dollar amounts for that, it's hard to put in perspective, really, the dollar amounts for advertising. All we hear is millions, and it's hard to understand whether that's good or bad.

• (1145)

Mrs. Brenda Shanahan: On that question of oversight, then, to bring it back to the topic at hand, we know that a function of this new policy is, all the same, to oversee how those dollar amounts are being spent and if it's being done appropriately. I'd like to hear a bit more about your views on whether the Office of the Auditor General should be auditing.... Well, they will be auditing the ASC process. How often should that take place and what should the scope of that audit be? Should there be legislated independent oversight of government advertising?

Do you want me to start with you, Professor Marland?

Dr. Alex Marland: It's funny, because if somebody were asking this question, I would immediately say to pick up the phone and call Dr. Rose. He's definitely—

Mrs. Brenda Shanahan: We'll turn it over to Dr. Rose.

Voices: Oh, oh!

Mrs. Brenda Shanahan: How much time do we have, Chair?

The Chair: You have a minute.

Mrs. Brenda Shanahan: For a minute, Dr. Rose.

Prof. Jonathan Rose: Okay. I have a minute. I also want to respond quickly to the subliminal advertising thing.

Very quickly, when the Conservatives were in power in Ontario in the 1970s, they ran this ad campaign, "Life is good, Ontario. Preserve it, conserve it." That was a not-too-veiled reference to the party in power, but the kind of subliminal advertising we see now is much more subtle. Last year, the government, the federal Liberals, was campaigning on a position with regard to the Ontario retirement pension plan, and the federal Conservatives had a different position. The provincial Liberals intervened by running a government ad campaign about that very issue. That's not subliminal, but it is a sort of conflation of interests, if you will, and viewers or readers don't have an idea where it's coming from.

On your question about the Auditor General—

The Chair: Unfortunately, we're out of time, but I know we're going to have enough time in subsequent rounds. Perhaps, Madam Shanahan, you could, at the right opportunity, ask Professor Rose to expand upon those thoughts that he couldn't quite complete.

I will now go to a five-minute round.

From the Conservative side, Mr. Shipley or Mr. Diotte, would one of you want to take over?

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Yes. Thank you very much, Mr. Chair.

Welcome to our committee. This is also my first meeting. We're in a bit of a learning stage.

I think this topic came up prior to Parliament's summer break.

One of my questions was around the Auditor General. As you know, often the Auditor General has a rotation for when audits will be done, unless there is a request. Usually a request would come up due to something that someone may see as a concern or an abnormality. I think it is clear that, at some point, the Auditor General does.... Because of this policy, do you see that there should be...? It's a substantial change but, as mentioned, it's not huge dollars. I have a couple of questions following that. I'll follow up with a question on the Auditor General. On a rotation basis, or because it's new policy, should there be something that happens within the next two or three years?

Mr. Marland first, please, and then Mr. Rose.

Dr. Alex Marland: I'll just express my opinion that I think an awful lot of Canadians put a lot of faith in an Auditor General. They believe that the Auditor General, whoever happens to occupy that office, is somebody who can look at things objectively, so generally speaking, I would say that's a good move. That's a good thing to do, although we shouldn't suggest that it's necessarily perfection. I think the quest for perfection on this is a kind of folly.

Otherwise, should it be something that occurs in next two or three years? To me, it would be something that should occur at the earliest opportunity. If everything that's occurring is above board and is appropriate, why would we delay?

Mr. Bev Shipley: Yes, it always seems to be that when you talk to the AG, it's a backlog. How does something get interjected between the different studies that are needed?

Mr. Rose.

Prof. Jonathan Rose: I think an Auditor General is really useful for doing an audit on value for money. If they were to do an audit on value for money on advertising, that would be useful.

To answer Ms. Shanahan's previous question, I think it may not be the best organization to do an assessment of advertising. While the advertising standards council has a lot of things going for it, I think it needs to be responsible to Parliament. At present, it is not responsible to Parliament. I would suggest some kind of legislative parliamentary body that would do that.

• (1150)

Mr. Bev Shipley: Thank you, Mr. Marland.

There's an interesting thing on colours. In Ontario, I'm not sure what our colours are, but I think our licence plates are black, until the colour wears off. I don't know how you deal with the colours, quite honestly, because there are multicoloured signs in advertising. They might bring in at least two and maybe three party colours. We all know the Canadian flag, and if I had my way, the Canadian flag would be on everything. I think that defines us. As we go around the world and as we talk to students who come here from around the world, the Canadian flag represents a whole lot of good things, including the integrity and quality that we provide in Canada.

Governments are a service. They're service industries. You have the colours as an issue here, and then you talked about the feel-good type of advertisements that go out, and you did mention Canada 150. Then there are issues around coming up close to elections. They're two different ones, in my mind. I think that in most cases you would have to separate those. For Canada 150, we did an amazing job in

many things in that advertising, and we should be promoting Canada and making people feel good, not only here, but for those who come here. In terms of the tourism, I think that's what we tried to do.

You've said, Mr. Marland, that you aren't sure, but when we're looking at a policy, somebody has to help us be sure about what we're going to do. This question is going to be kind of open-ended, Mr. Chair. I'm hoping that both of you might put some thought into how you could help us with this policy to make it more transparent, and also into when we put forward our multiple colours, not just the ones that go onto signs, and how we can use those in an appropriate way, always remembering that, for government, one job we have is that we're a service provider and also, we promote our country.

I'll leave it at that. If you have any comments, I'd appreciate it.

The Chair: Thank you, Mr. Shipley.

Professor Marland and Professor Rose, at the conclusion of our meeting today, I will be asking both of you to submit any additional information that you think would be of benefit to the committee. Please submit it, whether it be in a short note or a more technical brief. You can certainly send those comments and your suggestions, if you have any, to our clerk.

Now we'll go to Mr. Peterson for five minutes.

Mr. Kyle Peterson: Thank you, Mr. Chair.

Thank you, gentlemen, for being here today. It's very beneficial to us to bring your expertise and your experiences to bear on this study. We appreciate your time.

There is so much to talk about. This is such a broad field of study in terms of what we're doing here.

First of all, generally speaking, I want to talk about the directive. I think both of you, in your initial remarks, said that it is generally welcome and obviously has some positive features. Today in the committee, I think we're focusing mainly on the goal towards non-partisanship, which is of course a fundamental part of the new directive.

The directive also talks about the effective management of campaigns that are "well coordinated" and "clear and responsive to the diverse information needs of the public". I'm wondering if you think those objectives of the directive are met in practice, and if there are ways in which we can tighten up those components on the directive at all, or even if you've given much thought to it.

The Chair: Professor Marland, do you want to go first?

Dr. Alex Marland: I'm thinking. That's an example of something that I would want to follow up with.

The Chair: Professor Rose, do you have any comments?

Prof. Jonathan Rose: Yes. The reason I didn't mention any of that in my comments is that, post-Gomery, I think it's being done very well. Canada I think has become among the leaders in the world in making sure there's a coordination of the different units in the federal government that are dealing with advertising.

•(1155)

Mr. Kyle Peterson: To my mind, a big part of that would be the value-for-money perspective you talked about.

Prof. Jonathan Rose: That's right.

Mr. Kyle Peterson: I think that's important. I think taxpayers want to make sure of that when it comes to advertising. I know that a lot of people think advertising is inherently bad, but if you get past that, you want to make sure that at least you're getting value for the dollars we're spending on it. I'm glad to hear that you think there's a robust regime in place for that.

I have so many questions on the things you brought up. I want to talk a little about photo ops, Professor Marland. I find that quite fascinating. It seems to me—or maybe I'm putting words in your mouth—that a logical extension of your position would be that photo ops as well ought to be broadly characterized as advertising, and that, therefore, they should have some sort of regulatory requirements as well. Clearly, a strong component of the directive that we have now bans members of Parliament and leaders, etc., from being in the advertising, which would render it partisan immediately.

How can media or any of my colleagues here as members of Parliament, if we have announcements to make in our riding, or if there's stuff that we want to make sure our constituencies are aware of... It seems to me that if those photo ops are caught by this, then we wouldn't even be able to take part in any government announcements. To me, that undercuts my prime role as a member of Parliament, which obviously is to represent my constituents.

Dr. Alex Marland: I'm glad you raised this. My point is simply that we need to know how much money is being spent on these.

I'm not passing a value judgment that says we shouldn't have elected officials communicating with members of the public. That's obviously an essential role of the job. What I'm saying is that incredible amounts of resources are put into these events, many of which we don't even know about.

The reality is that we hear very little about this. We're focused very much on dollars on advertising because that's in front of us, when really, I think, we should be questioning how much money and resources are going towards these events.

Mr. Kyle Peterson: Looking more at the resources.... Okay, I appreciate that. Thank you for bringing that up.

Professor Rose, there were a lot of things you brought up that are very important as well. I want to follow up a bit on that “first click”. You're more familiar with the process in Ontario than I am. If there's a television ad with a link, and it links to perhaps a social media campaign or anything that could be on the website, are you saying that those expenses are also caught by the act or regime in Ontario?

Is this a way for us to perhaps make sure social media campaigns are caught by this ad? If the link is part of a \$500,000 campaign, it should be subject to any review as well.

Prof. Jonathan Rose: Yes, that's exactly correct.

Mr. Kyle Peterson: Okay.

Prof. Jonathan Rose: Frequently we're seeing advertisements as mere directions to websites, so there's the idea that if this is the case, then those websites ought to be reviewable.

Mr. Kyle Peterson: Do you think the federal regime that we have captures that? Or do we have to tailor the language a bit to make sure it does?

Prof. Jonathan Rose: I think that's a big hole in the changes that have been made. I think it really goes around what you mean by placement in media. I think Ms. Baird and others last time said that it's about government paying somebody else.

Mr. Kyle Peterson: Right.

Prof. Jonathan Rose: In Ontario, we grappled with this. We said that if they are paying or propose to pay, then it's advertising. It's advertising if a government gives money to a local theatre for sponsorship of the program. That's advertising because they're paying money to have the Government of Canada logo in the theatre program. That would be reviewable.

Mr. Kyle Peterson: Okay. I—

The Chair: Mr. Peterson, I'm afraid we're slightly over time.

Mr. Kyle Peterson: Thank you, gentlemen. I appreciated that. It was very interesting.

The Chair: Mr. Diotte, please, for five minutes.

Mr. Kerry Diotte: In terms of one of the interesting things, obviously we're all trying to get the best possible system because parties switch, etc., but we have to serve the public. Professors, in your view, are there stars out there? Are there jurisdictions anywhere in the world that really get this right? Or are there other provinces that might get it right?

Maybe Professor Rose could lead off with some thoughts on that.

Prof. Jonathan Rose: As I said in my comments, I think the pre-2015 amendments in Ontario were really the paragon, if you will, of how it should be done on regulating government advertising. That did so because it banned partisanship, but it also mandated reasons for government advertising, and it made it fully transparent.

The U.K. also has a good model that is fully transparent. Again, Australia is useful, I think, in the state of Victoria, where they post all details related to the advertising campaigns.

•(1200)

Dr. Alex Marland: What I can add to this is that I've often seen New Zealand as quite good. Also, some of the material I've seen in the United Kingdom is almost shockingly transparent.

As for here in Canada, when I think about the different jurisdictions, Dr. Rose is right to say that things are prone to change. I think one comment that hasn't come up and that this made me think of is the fact that we now have fixed-date elections. That's actually a very profound element of what is going on in Canada, not just at the federal level, but at the provincial level, with the exception of one province.

I've just co-edited a book, *Permanent Campaigning in Canada*, and the idea that a number of us as scholars identify is that governments are in a constant state of campaigning. Every day is about trying to win the media cycle or trying to make sure that they're not being treated in a negative way. It's almost like the campaigning never stops. This is a phenomenon that we see all over the world. It really seems to have emerged out of the United States in the early 1980s.

Your comment made me think of the effect of fixed-date elections and the idea of permanent campaigning, which is not something that has come up till now.

Mr. Kerry Diotte: Just to follow up on that, what's the solution? I think we all know that if the party's in power and they can call an election at any time, it's to their advantage. So fixed date is seemingly fairer, but you're saying this causes a problem.

Dr. Alex Marland: I wish I could tell you. It's actually quite challenging. Even if I were able to do it, I'm not suggesting we get rid of the fixed-date election. I think it provides an opportunity for a committee such as yours to have a degree of certainty when it comes to planning so you can say you cannot have government advertising or other certain activities this much in advance of an election campaign, or in the final year. I think we need to think more than just 60 days or 90 days. Maybe it should be a year. Again I'm not suggesting that all government communication grind to a halt. That would not be in the best interest of Canadians or the government. But it does allow a degree of certainty that might not have existed when you only have an era where people are calling snap elections.

Mr. Kerry Diotte: The photo ops are interesting because I notice in Alberta I think the premier is probably on the front page about every day going to a light bulb factory or something on solar panels. They're very good at that. To both of you, I'm wondering what the solution is to that, because the media are obviously being sucked in on some of these things. They're not thinking that this was announced a year ago, but if a premier of a province is there, the media is going to show up regardless of whether it's news because it's a photo op. Is there a solution? Do you have any thoughts on this?

Dr. Alex Marland: I'll just respond quickly. My opinion is we need to start by recognizing there are expenses and resources associated with this. To get to my point about permanent campaigning, if you think about it, an election campaign is what the leader is doing on a regular basis, which is constantly engaging with the public, and there are lots of good reasons for that. We wouldn't want a leader who doesn't, but the difference is when you happen to be in government, again no matter what party you happen to belong to, you're using public resources to do these things.

The Chair: I'm afraid we'll have to cut it off there. Professor Rose, I know we'll have other opportunities for you to respond, in

addition to Professor Marland, perhaps in the next round, or perhaps now because we're going to Mr. Ayoub.

[*Translation*]

Mr. Ayoub, the floor is yours for five minutes.

Mr. Ramez Ayoub (Thérèse-De Blainville, Lib.): Thank you, Mr. Chair.

My thanks to our two guests for being here.

It is indeed a very broad subject that leaves room for many impressions. Unless you tell me otherwise, I do not feel that it is an exact science. There is a great deal of social acceptability in terms of the presentation and the media aspect of the information.

I have written a number of notes in the many years in which I have been involved in politics. The public wants to be informed and wants more information. It is about transparency, of course. I don't want to generalize, but the fact remains that part of the population does not look at the information, does not read the news either, and is not informed. They just know about the headlines in newspapers and the news at a glance. In this day and age, with social media, things are even more fast-paced and it is much more difficult to have access to appropriate information. You often wonder what the source of the information is and doubt the information that is presented.

Any government, regardless of its stripe, wants to provide information to ensure that its actions are known. I personally went into federal politics because I felt that, in my area, in my riding, we did not hear about federal affairs. We did not know what was happening in Ottawa. Today, this has changed dramatically. I do not want to give the impression that I'm blowing my own horn, but I am very active in the media and I send a lot of information to my constituents about programs, about what the government is doing, and about what we have been able to accomplish. Even today, I am about to check a news release that tells my constituents where we are at mid-term and what we have done in the past two years. If we don't release that information, people won't know about our actions and will think that we have done nothing.

What do you think about that? What do we need to do to achieve a balance between the desire to access information, on the one hand, and the need to reduce the amount of information, on the other hand?

I will let you answer in the two and half minutes that I have left.

Mr. Rose, perhaps you can answer first.

● (1205)

[*English*]

Prof. Jonathan Rose: I think what you've identified is absolutely right. There are these two competing impulses of being bombarded with more social media and not paying attention to the media, but also wanting more information.

It gets back to a previous question that was asked. It is this seeming contradiction between what politicians do and what we're asking the public to do.

I was thinking of the famous quote from Mario Cuomo, a former governor of New York, that we campaign in poetry and we govern in prose. I think citizens want to be invited to be part of the public conversation, but too often they don't feel that they're part of that, and much of the government communication is really seen as self-promotion.

I think the bigger question, which is far beyond the scope of this committee, is how we engage citizens in more meaningful ways so that they have an incentive to follow government information and they have a reason to know what the federal or provincial government is doing.

The Chair: Mr. Marland.

[Translation]

Dr. Alex Marland: I would like to answer in French, but I will answer in English.

[English]

My overall comment would be that you're touching on some important elements. The rule of thumb that I use in research is that roughly 15% of the population at any given time is paying attention to politics and government and the other 85% is too busy getting the kids ready for school and everything else. Political marketers and government communications personnel often keep this in mind.

When you provide too much level detail, you're not going to really connect with a lot of people, so you try to keep things simple. For example, when you have advertising on, a political marketer would say to watch the advertising without the sound because for the most part, people are probably running around the house, and the television is on in the background, and what is it they see?

Why am I saying all this? I'm saying it because it gets back to the whole issue of why things like colours matter. It's not just about the issue of fairness. It's about something that is often used. In research we use phrases such as "cognitive shortcuts" and "heuristics", which is using very few information processing abilities to quickly see things and make impressions. When you think about the concept of colour, I would simply say to you that it is exactly why that matters, because a lot of people don't have the time or interest to pay a lot of attention to things, and they make snap judgments based on small bits of information.

The Chair: Thank you very much.

Mr. Weir, we'll go to you for three minutes.

Colleagues, just to let you know, following Mr. Weir's intervention, we'll go back to another full round of questioning starting with seven-minute rounds.

Mr. Weir, you're on for three minutes.

Mr. Erin Weir: Thanks very much.

Professor Rose, I would like to get into this topic of party advertising piggybacking on government advertising. I'm wondering how that would be enforced in practice. I'm imagining a situation where government advertising is used to promote a program, and then later on the political party makes that program a key part of its own advertising. Is there some sort of statute of limitations? At what

point is there enough intervening time that the two can't really be connected?

• (1210)

Prof. Jonathan Rose: You're talking about the chronology, and the chronology does matter.

For example, in the case that you mentioned, it would be appropriate for a party to later piggyback on a government initiative, but it wouldn't be appropriate for a government to then continue with that same policy. In reality, of course, all parties campaign on what they've done, so there is a really blurry line between these two. What we need to do is make sure that the distinction is as clear as possible. The way you regulate it is by regulating or controlling how taxpayers' monies are spent.

Mr. Erin Weir: Is it really just a matter of prohibiting government advertising from piggybacking on party advertising?

Prof. Jonathan Rose: Yes.

As you may or may not know, Advertising Standards Canada's code of standards' 14 criteria don't even apply to party advertising. The reality, literal and metaphoric, is that you can say anything on party advertising. Truth, veracity, or anything else is irrelevant. There's an amazing exclusion in that code. Even the ASC does not control election advertising.

Mr. Erin Weir: That's interesting.

Do you have any thoughts on this issue of party colours? It is an element of the government's policy, and it's something that Professor Marland has talked about a bit.

Prof. Jonathan Rose: I think the important point that Professor Marland just raised is the shorthand cue. What we want to avoid, or what we want to limit, is the idea of citizens making shorthand judgments about policies based on something that's extraneous to those policies.

In the end, the role of parliamentarians is to do two things. It is to create legislation and also to try to encourage good judgment. I think on this one we have to encourage good judgment because there's only so far legislation can go.

Mr. Erin Weir: Right.

The Chair: Thank you very much.

Now we'll revert to our full round of seven-minute questions. We will start with Monsieur Drouin, for seven minutes, please.

Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.): Thank you, Mr. Chair. Thanks to the witnesses for being here.

My question would be for Dr. Rose, but Dr. Marland, feel free to intervene after.

You've mentioned that government tends to spend more in the last year as opposed to 90 days before the election. I'm just wondering if there's data that shows where the consumer influence or citizen influence has an impact one year prior to.... Where is the major impact on citizen influence when there's government advertising, or any advertising at some point? Is that data available?

Prof. Jonathan Rose: Well, the data is available from other studies done on the influence of advertising in an election—party advertising—so we can infer what government advertising would be. That is, it's largely short term and it is largely around confirming as opposed to negating existing beliefs.

The study that I quoted was really around the last five elections, excluding 2015, and showed that government spiked in its spending on advertising in the year before. It varies because, of course, the timing of the elections varied as well.

You've also put your finger on, I guess, a dirty little secret, and that is we really do not know how effective advertising is in influencing the attitudes and behaviours of citizens. We just don't know.

Mr. Francis Drouin: Yes, and that's....

Did you want to intervene, Mr. Marland?

Dr. Alex Marland: I'll just add that one thing to consider, to try to answer your question, is that advertising is always different, so with government advertising each department is doing something slightly different. Then if we go back to the point I made earlier about how consumers are busy, they're running around, they're using cognitive shortcuts, they're having to spend more energy trying to digest that advertising. As a result, I would suggest that an awful lot of government advertising gets back to that old expression, which is we know that we're wasting a lot of money on advertising, but we just don't know where we're wasting it.

The comment I would have is that if you think about the economic action plan advertising campaign that was undertaken by the previous government, from a marketing perspective it was absolutely brilliant, because it connected everything the government was doing, and it could be on anything, and all everybody heard was, "economic action plan". I think there's a real incentive for government—again, it doesn't matter what party stripe it happens to be—to use the limited amount of money that they have on advertising to repeat common, consistent messaging. Otherwise I would suggest to you that an awful lot of advertising is actually quite ineffective.

I'd almost beg for people to be able to show me statistics that say this has had a major impact on their decision-making behaviour. In fact, some of the public opinion research suggests that even the economic action plan advertising wasn't really all that effective in changing behaviour.

• (1215)

Mr. Francis Drouin: Actually, it brings me to my next point. I want to ask you, Dr. Rose, how Ontario dealt with this. Perhaps you recall, almost 10 years ago already, the "Good things grow in Ontario" ads. That tune still plays in my head. Did it have an impact on behaviour? I remember reading a study, about three or four years ago by the NPD Group, where consumer choices for buying local was number 19. The "Good things grow in Ontario" ad was all about trying to buy local. Could that have been seen as a feel-good ad? How did Ontario deal with that? Were you there at that time?

Prof. Jonathan Rose: Well, I was in Ontario. The Foodland Ontario ad, I think we have to understand, is also directed to farmers, who want to see that their work is being supported by the government. In all ads we should really think about to which

audience they're directed. For that one, I thought the audience was really as much about farmers, to say, "We're supporting you", as it was to consumers to say, "You should buy local foods."

Mr. Francis Drouin: Okay.

The last point I want to bring you to is on by-elections. I think you've mentioned that Alberta put a ban on by-election advertising, but Canada's a big country. If I'm doing an English ad, it's not going to have any impact in Quebec, for instance, or my riding, which is 70% francophone. That wouldn't have an impact. Would there be a threshold that you would recommend? Would you just recommend a total ban during by-elections? If there's a by-election being held in B. C., would you say no advertising, a blackout, in B.C.? What would be the recommendation? I'm curious to hear from you as well, Dr. Marland.

Prof. Jonathan Rose: Given the nature of technology and the way we access our information, it doesn't really work in terms of geographic location, so it would have to be a blank advertisement. None of the three jurisdictions I cited—Nova Scotia, Manitoba, and Saskatchewan—have experienced adverse effects, so I don't know what the impact would be nationally. Again, we do it every election for a longer period of time, so a by-election seems to me a lower threshold.

Dr. Alex Marland: I agree with Dr. Rose, but we also have to identify the benefits versus the costs. If we're establishing that we're not exactly sure how effective advertising is in the first place, then to what extent do we have to say that you can't have any advertising any time there's a by-election. Something to keep in mind about a by-election is that these are not necessarily events that are within the government's control. Members leave for different reasons. Sometimes somebody might have passed away, for example.

To answer your question about threshold, which I think is a fair one, you may want to think about the number of by-elections that are occurring at the same time or within a given period. If you happen to have a group of by-elections, the media and everybody else tends to pay a lot more attention. If there's just a single by-election, the national coverage of that single by-election is actually quite limited, so you may want to think about the number of by-elections that happen to be occurring.

Mr. Francis Drouin: Great. Thank you.

The Chair: Thank you.

We'll now go to Mr. Diotte, for seven minutes, please.

Mr. Kerry Diotte: Gentlemen, we've talked a bit about partisan ads. Obviously that's part of this whole conversation. We also talked a bit about what the purpose of advertising is. It should be giving much-needed information, not just going for the feel-good factor, etc. Canada 150 might be trotted out as an example of, as it were, feel-good ads. What can we do to police that? Is that even conceivable? I don't know, but I hear what you're saying. You could spend a fortune on feel-good ads and it could be rather partisan. Maybe I'll put that to Professor Rose first.

Prof. Jonathan Rose: It goes to the two competing impulses that have been identified and that we've talked about. That is, you as legislators can use the instrument of a piece of legislation or regulation, or you can count on discretion and judgment. I think you've opted for a bit of both. You have some statutory and regulatory instruments, including some definitions—although I would say imperfect definitions—of non-partisanship. But you've also given the ASC a bit of discretion, and my advice would be to give them, or the body that is adjudicating them, greater discretion.

• (1220)

Dr. Alex Marland: I'd also add, to repeat a point Professor Rose made earlier, the importance of reporting to Parliament. For me, whichever body is reporting to Parliament, the principle is really important because it can't just be the government reporting to itself, or some body reporting to government. It needs to be to Parliament. That would be my general comment.

Mr. Kerry Diotte: Okay, I'm on that same stream. What happens, for instance, if a party in government puts out a major ad campaign that is so blatantly partisan it's ridiculous. But it's launched. It's out there in the public.

Again, I put this to Professor Rose first. Obviously you'd want some legislation or some power to say that has to stop. What's the solution to actually getting something done right away as opposed to doing a report six months later and saying, "Yes, that was partisan, and you shouldn't have done that"?

Prof. Jonathan Rose: Under the proposed changes, Advertising Standards Canada has the ability to say, in this hypothetical example, that the ad cannot be broadcast. I presume they give the ad a number, and that number is the only thing that can be used before it goes to the agency of record and is purchased. It wouldn't get beyond that step that enables the purchase of air time or print space.

Dr. Alex Marland: I would quickly add that if we had these principles that were very open and publicly accessible, then journalists and the opposition could look at this and fairly easily render their own judgment. I would argue that the government would then say, "Wow, we're getting all this negative press about this issue. Maybe we should voluntarily relinquish what we're doing, because it's not worth all the negativity." So in some ways, there's an opportunity for self-regulation.

Mr. Kerry Diotte: Under the proposed changes, or even as it exists now, what would happen if, right now, there were an ad campaign that went national and it was obvious that it was not right, that it was too partisan?

Prof. Jonathan Rose: There is an opportunity, as you know, for departments to pre-screen it, so my guess is that, if a department thought an ad campaign might violate one of the principles, they would give it to ASC to pre-screen it, and ASC would provide them advice.

If they didn't make the requisite changes, then presumably ASC would deny them the right to broadcast that campaign, although I haven't been able to find the details. It's a very important question you ask. I don't know what lever the ASC has over the government—which is your question, I think. I read in one transcript from somebody there that they would tell the government, but I'm not sure what that means.

Mr. Kerry Diotte: Do you have any thoughts on that, Professor?

Dr. Alex Marland: For me, the immediate thing is.... It's almost like what feeds a media story. If the previous government had done this sort of thing in early 2015—just to answer your question about what would happen if an ad came out now—there would have been a lot of discussion about how this was bad, because for many years there had been that type of conversation. If the current government did it, as it is still a relatively new government, I don't think it would get anywhere near the amount of media coverage or scrutiny. This is why, to me, it's really important to make sure that we have very open public principles that people themselves, especially journalists, can render judgment on that is not exclusively relying on another body to affirm that particular position.

Mr. Kerry Diotte: Should there be a watchdog appointed saying that all campaigns have to go through somebody, that there is no question and it has to be done?

Prof. Jonathan Rose: It should be done through an advertising commissioner, because that way it would be a centralized place for citizens and political parties to lodge complaints or raise questions, and there would be a clear accountability to Parliament. To me, that line of accountability is very clear and unequivocal.

• (1225)

The Chair: Mr. Marland, go ahead.

Dr. Alex Marland: I would add that, if your focus is to say that government advertising should be principally about information, then, yes, you would need to have some sort of body such as Dr. Rose mentions. If the idea, though, is to have effective advertising, that becomes a bit of a challenge, because we can have advertising that provides information but ends up not giving very good value for money. You do actually have to try to provoke an emotional response or get people to pay attention to it.

Frankly, I've seen some government advertising in the last couple of years that is terrible. It's so bland and bad that I think it shouldn't even be on the air. We just have to be careful what we wish for.

Mr. Kerry Diotte: Which ads are you talking about?

Voices: Oh, oh!

The Chair: Do you have any examples, I think is what—

Mr. Kerry Diotte: Do you have any examples?

Dr. Alex Marland: You can contact me separately.

Mr. Kerry Diotte: Oh, come on.

The Chair: Professor, you should have been in politics rather than academia.

Mr. Diotte, I'll have to cut you off there and go to Mr. Weir, for seven minutes.

Mr. Erin Weir: Thanks very much.

One of the issues we've been grappling with is what's included under this or any other advertising policy. I wonder if either or perhaps both of you have a definition of advertising to offer us.

Prof. Jonathan Rose: I think the definition you have is good, except I would say “proposes to pay for media” instead of “pays for media”, because it would make items reviewable if governments gave a donation to community groups or organizations that, then, subsidized an event and it resulted in an advertisement.

I would also include householders. We haven't talked about householders. Bulk mail is now, as I understand it, excluded from their definition of advertising, and that's a problem as well. That's a big loophole. That's not a definition, but—

Mr. Erin Weir: I guess householders would be excluded from the government's policy. They are subject to all sorts of rules from the House of Commons.

Prof. Jonathan Rose: Sorry, I am not referring to members' householders, but rather government householders about a specific policy.

Mr. Erin Weir: I understand what you're saying, kind of broadening the definition of advertising to include sponsorship as well as those types of government householders.

Prof. Jonathan Rose: That's right.

Mr. Erin Weir: Excellent.

Do you have anything to add to that, Professor Marland?

Dr. Alex Marland: The word that is missing, in my view, is “control”. What we differentiate about advertising, compared to any other form of communication, is that it is the one thing where you have complete control over the content. In anything you're doing that involves things like photo ops, an interview with a journalist, or other activities, you can't control what is going to happen, but with advertising you have complete control over the design and even the timing of when it's going to go out. For me, the word “control” is a really important part, because in some ways what we are concerned about is who is controlling the content.

Mr. Erin Weir: Okay, excellent.

On the topic of independent oversight, Professor Rose, you've mentioned the possibility of an advertising commissioner. I'm wondering if you could talk about how that office would function and how it would relate to Advertising Standards Canada.

Prof. Jonathan Rose: What I'm suggesting would be as a replacement to Advertising Standards Canada.

Mr. Erin Weir: Okay.

Prof. Jonathan Rose: While I think there's a lot to be desired about Advertising Standards Canada, one of the big problems is that there doesn't seem to be a clear accountability to Parliament or an appropriate lever with which they can enforce their mechanisms. I think that having it reside within Parliament as an officer of Parliament would alleviate that.

They would review all the advertisements the federal government runs, issue a number that would be necessary for the government to have before they purchase air space or radio space, and have a sense of the need for the campaigns. This would include public opinion research as well as a sort of proactive idea about whether an ad fulfills its goal of informing Canadians about policies.

Mr. Erin Weir: Do you have anything to add to that, Professor Marland?

Dr. Alex Marland: Yes. I agree with this idea. I think it's a smart one. I would also have a concern that if that particular individual were somehow seen as connected to the governing party, you would have a challenge, because that person would potentially be legitimizing activities that the rest of us could understand probably are questionable.

Suddenly, the governing party says, “Well, you know, there's no problem. It's been cleared by this individual.” We see that sometimes with different officers. I would simply put a question to the committee. If such a position were created, how could we ensure that it is at arm's length from the government?

• (1230)

Mr. Erin Weir: Certainly, and as you suggest, that is an issue for other officers of Parliament as well. There have been some recent controversies.

I want to ask both of you whether you think there are areas in which more government advertising would be warranted. We're talking a lot about restricting government advertising.

Prof. Jonathan Rose: Yes, I think it was great with the health scare for H1N1 influenza and the mandatory vaccination. I'm talking about provincial ones. I think those are really warranted.

I think that tourism ads are probably useful, but the amount of money spent on advertising external to Canada is miniscule, so it suggests that the government doesn't put a lot of emphasis on that.

Generally, advertisements are effective if they respond to a need, and I can think of no greater need than health care.

Mr. Erin Weir: Okay.

Dr. Alex Marland: I would think it would be useful to have advertising that promotes the fact that you can find information through the Government of Canada's information portal—just generic, very high level, basic advertising that runs on a regular basis.

If we can think of “Good things grow in Ontario”, why is it that we can't have some sort of a campaign that runs year after year—hopefully outlasting whichever government happens to be in power at any given time—that becomes a slogan that we can all identify with and allows us to think that if we need information, here is a good place to get it?

Mr. Erin Weir: One government program that I feel has not been very well promoted is the disability tax credit. As a result, there's a whole industry of consultants who, for quite hefty fees, will help people apply for the credit. New Democratic MPs have been holding public information sessions across the country to try to get the word out to people that they can apply for this benefit directly without going through consultants.

I wonder if the presence of private consultants promoting what should be public services might be an indication of where more public advertising is warranted.

Dr. Alex Marland: What I often explain to people is that, in my view, advertising in some ways should be the last resort, not the first thing you do. Remember I used the expression about control. It's when you're trying to control the information. If you do everything you possibly can to get information out there, then advertising becomes an option to be able to reach people, because for some reason you can't do it in all these other uncontrolled methods.

In your particular example, I would suggest that perhaps advertising is not the first thing we should be thinking about. It would be more a matter of looking at all the other options that are involved, such as direct marketing, media relations, and other forms of getting information out there.

The Chair: Thank you very much.

Madam Ratansi, you have seven minutes.

Ms. Yasmin Ratansi: Thank you very much.

Thank you both for very interesting thoughts on what we should do.

I'm just going to follow through with what Erin was saying. As government, we have to communicate what programs and policies we have so the public understands. You're saying we should be doing it as direct marketing. I'll give you an example of direct marketing. We all have ten-percenters and householders, and despite the fact that we give that direct information to the public, they say they never received it, never read it, didn't do this, or didn't do that. The public is inundated with too much of what they call junk mail. How does a government overcome this by any other means but advertising?

I was looking at the 2016-17 costs on advertising, and at which department was spending a lot of money. Departments with a social justice agenda spend the money. So I am trying to figure out how we make this policy better to avoid unintended consequences.

You can go for it, Professor Marland, and then I'll go to Professor Rose.

Dr. Alex Marland: I can explain at a high level. When I think of direct marketing, it encompasses a wide variety of things. You're right. Obviously pieces of mail in your mailbox is one of them, but telephone calls would be another. Email is another example of things.

Probably the way to think about it is that a really good communications campaign uses all the different forms of media that are available to try to get the information to the individual. For every person who is taking a householder and not looking at it, there will be some who do.

Equally, you want to impress your message multiple times. If you just happen to see it once in your mailbox, even if you look at it, you might forget about it. However, if you receive an email or a telephone call about it, you see it on television, hear about it in the media, or whatever the case may be—social media, for example—the more times you hear about something, the more likely it is to connect with you; plus the more likely you are to reach more people.

We might tend to spend a lot of time talking about government advertising, but my view is that a lot of the time this might be driven by the media and the media's interest. I have this general view that the media often treats it like a bit of a horse race. How much money has been spent on advertising in this given time? Also, they're waiting for these quarterly results. It's really not as helpful as a broader consideration of communications as involving an awful lot of things, of which advertising is one element.

• (1235)

Ms. Yasmin Ratansi: Professor Rose.

Prof. Jonathan Rose: The reality is that, for the average citizen, trying to digest information is a bit like trying to drink from a fire hydrant. You have this torrent of information coming in and it's hard to discriminate between what's important and what's not.

I don't think governments and many organizations are really strategic or smart in making sure the information they are providing responds to a need. I think there is so much extraneous information citizens receive that, when they do get important information, it's lost in the flotsam and jetsam of the other things.

Ms. Yasmin Ratansi: I have a counter-question for you. I can understand that the large media houses would love to have the advertising dollars, and that puts the ethnic media and the smaller media at a disadvantage. With this rule that says anything over \$500,000 will be audited by the ASC, do you think we should have another standard? People can go to the ethnic media and not have to pay that much money. Do you think there are some holes in this policy that may be improved?

Professor Rose.

Prof. Jonathan Rose: That's another great example of something we talked about earlier, that the \$500,000 is a big campaign in traditional media. As you pointed out, it's not a lot of money—

Ms. Yasmin Ratansi: It's a lot of money.

Prof. Jonathan Rose: Pardon me. It is a lot of money in ethnic media, and it is certainly a huge amount of money on digital platforms.

What I think that raises for this committee is whether that \$500,000 threshold is too high, and whether you may want to lower that to encapsulate both the trend toward digital marketing and other things like ethnic media.

Ms. Yasmin Ratansi: Professor Marland, do you have any comments?

Dr. Alex Marland: Sure. I think I'll provide an example. Before I was in academia I worked in communications in the Government of Newfoundland and Labrador. I can distinctly remember editors of small community papers sometimes phoning and saying they'd noticed we'd taken out advertising in these places, and why we were not advertising in theirs. It helped me understand that if we think about government as doing good things for the community, somewhere in all of this we have to balance the need for communications experts to focus directly on targeted messages with, at the same time, making sure our government is spreading public monies. To me, there is that issue.

Ms. Yasmin Ratansi: Thank you.

Professor Rose, you're talking about the ASC not having enough teeth and you want an oversight body. We thought the Auditor General would be the ideal body, but unfortunately the Auditor General doesn't want to take on that responsibility. Instead of creating another bureaucracy, what more effective system would you suggest?

Prof. Jonathan Rose: The institution of the ASC could easily be transplanted in a small officer of Parliament office that is responsible to Parliament. It doesn't have to be a big bureaucracy. I understand the apprehension of the Auditor General, and I think that was felt in Ontario, but they quickly adapted.

Ms. Yasmin Ratansi: Do you have any thoughts, Professor Marland?

Dr. Alex Marland: No, it's good.

Ms. Yasmin Ratansi: No? Okay.

Thank you.

The Chair: Thank you very much.

We'll now go to our five-minute rounds of questioning.

Is it Mr. Shipley or Mr. Diotte?

Mr. Bev Shipley: I just want to follow up on one.

It was interesting talking about this 90-day ban, and then we got into the discussion about by-elections, and fixed-date elections. One thing we haven't talked about, which happens likely about as much in this country as fixed dates, is minority governments. When you have a minority government, obviously, I think what we all understand is that this really comes at the call of the opposition parties when they will call non-confidence in the government. What you might want to think about is how that is going to take different directives in terms of dealing with these different scenarios of by-elections and in minority governments, which Canada has often governed under.

• (1240)

Prof. Jonathan Rose: One of the realities of a Westminster tradition, of course, is this idea of confidence. Within the Westminster tradition is the caretaker convention, which suggests that government would suspend all activities until they have the confidence in the House. Presumably during the election that rule would hold, but the same problem about how you would go back from 90 days from the general election holds for an election in a minority Parliament.

The other question I have is, I don't understand how it's enforceable. While it is a good goal, it's not enforceable because it's happened already.

Mr. Bev Shipley: Mr. Marland.

Dr. Alex Marland: I'll just get back to my point that I know the focus is on advertising, but I would simply repeat that in my view, we need to think more broadly than that, and we need to think about other forms of communication. Let's say there are rules which say that you're not able to advertise, but in the meantime the prime minister and others are able to use government resources to get their message out through the news media because they're using government employees to help them do that, for example. That's still occurring. I would simply suggest that looking only at advertising is only one element of a bigger picture.

Mr. Bev Shipley: I do appreciate bringing up the concern at the time of having an officer of Parliament as the oversight, because that can.... Whether it does or not, it can often be perceived as being that way. There's nothing perfect, but I think there's likely some combination of some thoughts in terms of this policy.

Mr. Chair, I'm going to leave it at that.

Thank you very much to both of you, Mr. Rose and Mr. Marland.

The Chair: Mr. Peterson, for five minutes, please.

Mr. Kyle Peterson: Thank you, Mr. Chair.

It's interesting. I think we're going to use our full two hours with you two, so we appreciate your time. This is great information. It begs more questions as we go along and ask other questions, and I think that's an effective part of this process.

I want to follow up a bit, Professor Rose, on your comments about extending the ban on advertising leading up to elections. I think you suggested that even during by-elections there should be some mechanism to ban that. Are you suggesting that any by-election ban would be national in scope, or is there a way to fine-tune it to perhaps the area where the by-election may be happening?

Prof. Jonathan Rose: Given the fact that much communication transcends geographic boundaries, I think the only way to make it enforceable is if you agreed with the principle, and I think the principle is pretty difficult to refute. During election campaigns we all agree that we shouldn't advertise because it represents some kind of improper communication. A by-election is the same kind of thing: it is an election. It's an election for a small group of people, but it's an election. How do you impose that same principle on a smaller group? The only way to do it is to ban all government advertising outright during by-elections. I actually don't think the costs would be great, but I also take heed and listen to Professor Marland's point about the costs and the benefits of doing so.

Mr. Kyle Peterson: As a practical matter, we've had how many by-elections just in this session of Parliament? It's at least six or eight. If we extend the period of banning, there could be, practically speaking, an effective ban on government advertising for the whole four years. I think we have to be careful and fine-tune the details.

Prof. Jonathan Rose: We may also find that if such an instrument were imposed, it would change the behaviour of the government. They might cluster by-elections to avoid that.

Mr. Kyle Peterson: That's a good point.

The Chair: Is there a comment you wanted to add to Professor Rose's observations?

Dr. Alex Marland: Yes, I would like to build on that. I don't really understand how it is that we would need to ban all sorts of government advertising, much of which potentially is innocuous, but in the meantime, the governing party and the cabinet can go in and make all these announcements and say they're going to be spending all this money. I don't understand how one harm is still occurring and the other isn't. I think that if you were to go that route, the first step would be to ask whether government ministers and others should get to use public funds to travel in their ridings during the campaign.

• (1245)

Mr. Kyle Peterson: It seems to me, if I can characterize this, the evil that ought to be addressed by any advertising regime is the government's using state resources for political gains. That's really what this is meant to address. It's more than just advertising. Is that fair to say?

Dr. Alex Marland: Yes, it's more than advertising. Exactly.

Mr. Kyle Peterson: The governing party of the day shouldn't have levers where they can access state resources to promote a political agenda.

Well, this only took us an hour and forty-six minutes—we're slow learners here. I think most people would share that sentiment, no matter on what side of the House of Commons they sit. I appreciate that summary.

I want to follow up on something you said earlier on the repository of advertising. I think that was you, Professor Marland. I take it that would be accessible at all times on the web somewhere. For all advertising, whether or not it's caught by social media, television, radio, there would be some central source that any Canadian could access.

Dr. Alex Marland: I think that would be a wonderful resource. I'll give you one good example: people like Professor Rose and me

could then use it in the classroom. That's not the real reason, though. I think it's about transparency.

Mr. Kyle Peterson: I don't disagree with you, and I wouldn't see why there would be any push-back on that, except for maybe some practical reasons. If you put the advertising out there, the advertiser would want it to be viewed as often as possible, one would assume.

Dr. Alex Marland: The key thing for me is historical record. Just because it's there now, somebody may say that we need to get rid of it later. I think it's important to have it there over a long period of time.

Mr. Kyle Peterson: I appreciate that.

The Chair: Thank you.

Mr. Shipley or Mr. Diotte, if you don't have anything to add, we'll go to Mr. Whalen.

Okay, Mr. Whalen.

Mr. Nick Whalen: Thank you very much, Mr. Chair.

With respect to the framework on advertising and the announcement at the same time by the government, through Treasury Board, of its policy on communications, both of those go together. In your analysis for today, were you taking into account the requirements of the communications policy regarding non-partisanship and the other elements of the directive, or were you focusing solely on the advertising directive?

Some of the recommendations you've made seem to overlap with existing requirements in the communications policy that Treasury Board published on the same day. I just want to make sure that if we move forward with some of your recommendations we'll know whether you've taken that into account.

Prof. Jonathan Rose: Absolutely. My comments were directly pulled from the changes in the policy on communications and federal identity. I will be happy to provide written comments which will make that clearer.

Mr. Nick Whalen: Perfect.

Dr. Alex Marland: I have made some comments that involve elections, and to some extent that would be outside the Government of Canada's communications policy in respect of the actual public service and how it's communicating things. Notwithstanding that particular distinction, yes, I'm somebody who pays attention to this, definitely.

Mr. Nick Whalen: Okay, that's great.

With respect to this view of whether or not we have a negative definition on partisanship to determine what's acceptable advertising, or have a more purposive definition on only allowing advertising or government communications generally if they meet some type of a public interest or purpose test, if you take that latter approach, what is the harm to the public that would arise if the government was allowed to continue to communicate with the public during a writ period? It would be inherently only for a general public purpose, and it would be devoid of partisanship, and it just simply wouldn't be allowed.

I'm just trying to balance this in my mind. Why stop government doing the legitimate things that it does during a writ period, like hiring normal staff, issuing tenders for certain types of procurement, advising of a health warning, continuing to advertise the fact that the census is ongoing, and various things like that? These things do not interfere with the ongoing politics and don't interfere in the political debate. If government advertising was restricted in that way, why ban it at all in respect of elections, because it's orthogonal to elections?

• (1250)

Prof. Jonathan Rose: That's an excellent point. I think it's important to remember that the ban on government advertising excludes those things you mentioned. It excludes advertisements for jobs, tenders, health matters, and emergencies.

The point you raise is a really tough and really important one, and that is, if a definition of advertising were positive, and the government fulfilled that, where's the harm? That's your question. I think the answer to it has to do with the blurring of lines that other committee members have discussed, in particular, Mr. Peterson's observation that it really is about state resources being used for something that political parties should be spending money on.

Mr. Nick Whalen: Would you believe that it's impossible to have a purposive definition that captures this? If MPs aren't involved in the communications, they're factual, and they meet the other requirements of the communications policy, aside from the definition of what advertising is and the definition of what partisanship is, there seems to be a purposive set of criteria to even allow the communication at all. It seems to go to the heart of what you're saying. Again, I'm trying to see where the harm is. I'm just trying to see exactly what the problem is.

Prof. Jonathan Rose: You've touched on two things. One is the harm principle sort of thing, which, you're right, absolves the government of the harm principle, and it says that governments meet the test, and in fact are positive, so that's a check mark. But there's also the financial implications and the blurring of lines between what will be discussed in a political campaign and what should be spent by political parties as opposed to governments.

Political parties in the campaign are in the business of persuading people to vote for them. Why should governments do that on a party's behalf?

Dr. Alex Marland: I would add to that. Maybe a good way to think about it is the word "policy". If you think about something like a health pandemic, getting information out to Canadians through advertising such as, "Here's what we're going to do, and this is what you need to do", is not really about debating policy; whereas other

types of government advertising are possibly about informing Canadians about policy, something that was a political decision. Maybe policy might be a good way to kind of act as a bit of a litmus test.

The Chair: Thank you very much.

I'm afraid we're out of time, but we do have one last intervention, and we'll go to Mr. Weir for three minutes.

Mr. Erin Weir: Thanks very much.

We've been talking about government advertising as a bit of a monolith, and perhaps that's legitimate, given the central control that exists within the federal government. I know that Professor Marland has written about that. I am wondering whether we should have different standards or different rules for advertising from different government entities. Would we draw some kind of distinction between departments versus crown corporations that may be more commercial in their orientation versus central agencies like the Privy Council Office?

Dr. Alex Marland: I can speak to that very quickly. Yes, you're definitely on the right track. Crown corporations, obviously, are acting in a competitive marketplace. It would be kind of foolhardy to suggest that they have to oblige in the same manner as perhaps some other units of government.

The thing that comes to mind for me right away is that the Canada Revenue Agency has been held up as a high standard. Some work by the late Peter Aucoin identified the Canada Revenue Agency as sort of this gold standard, although some of that kind of evolved a little bit in the latter years of the previous government.

My comment would simply be, yes, you are absolutely right that there needs to be different distinctions between categories of elements and arms of government.

Prof. Jonathan Rose: To that I would add that government advertising serves a number of purposes, and I would carve that up in a slightly different way. I would say there were contentious and non-contentious issues. The vast majority of advertising is on non-contentious issues, and people don't have a problem with it. They fall within the realm of acceptable information.

What we are concerned about is the tip of the iceberg that is contentious. There may not even be a large amount of money spent on it, but it goes to the heart of what is being discussed in civil society, and that's the appropriate place that members of Parliament and others should have in persuading citizens about the benefits or drawbacks of those policies, not government.

Mr. Erin Weir: We focused a lot, I think, on preventing partisanship, and legitimately so. I'm wondering if I could ask both of you, other than partisanship, what do you see as being the biggest problem with, or the biggest challenge for, government advertising?

•(1255)

The Chair: Please respond in 30 seconds or less, if that's possible.

Dr. Alex Marland: I think for me the big challenge—and it's not something that's easily solved—is, if all we do is we have vanilla advertising because we have all this regulation, it's going to be terrible advertising. We just have to balance that sense of having to be able to communicate with people and cut through the clutter, yet sometimes that requires something that's a bit more provocative and simple.

Prof. Jonathan Rose: I think I would summarize it with two words, and they are “independence” and “transparency”, and those are the goals that any advertising policy should strive for.

The Chair: Thank you very much.

Professor Marland and Professor Rose, thank you so much for being here. Your comments and your observations were both informative and extremely helpful to this committee. If you have, however, any additional information, or if you have a commentary that you wish to provide following this appearance, please feel free to do so by contacting our clerk directly, and you can submit them at any time.

I know that our deliberations on this study will take place over the course of the next few months. Your contributions have been very helpful. Thank you both for being here.

Colleagues, the meeting is adjourned.

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