



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

43rd PARLIAMENT, 2nd SESSION

Standing Committee on Canadian Heritage

EVIDENCE

NUMBER 014

Friday, February 5, 2021

Chair: Mr. Scott Simms



Standing Committee on Canadian Heritage

Friday, February 5, 2021

• (1300)

[English]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): I call this meeting to order.

Thanks, everyone, for being here. This is meeting number 14 of the House of Commons Standing Committee on Canadian Heritage. Pursuant to Standing Order 108(2) and the motion adopted by the committee on Monday, December 7, the committee is meeting on its study on the subject matter of Bill C-10, or, as we sometimes like to call it, the prestudy to a potential bill.

Today's meeting is taking place in a hybrid format, pursuant to the House order of January 25 of this year. The webcast will always show the person speaking, rather than the entirety of the committee, and will be available on the House of Commons website for those who are tuning in from around the world. To our guests, our members of Parliament and our staff members, taking screenshots or photos of your screen is not permitted.

I'll outline a few rules before we begin. At the bottom of your screen you have the choice of either English or French interpretation, or the floor. Members and witnesses may speak in the official language of their choice. Of course, the platform's "raise hand" feature is on the main toolbar should you wish to alert the chair in case of a point of order or anything of that nature. Before speaking, please wait until I recognize you for the sake of our people recording this and for Hansard. Also, for those MPs asking questions, I remind them to please direct their question to a person they see on the screen. That makes life a lot easier, as we know.

That being said, I do....

We have a raised hand. Go ahead, Ms. Dabrusin.

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

I just wanted to seek clarification from our clerk on a matter. The member for Richmond—Arthabaska, Monsieur Rayes, had asked the Minister of Canadian Heritage how the department came up with the calculation of \$830 million, which he had raised as part of this bill. My understanding is that the department provided this information to the committee clerk on December 11, but in our last meeting it was posed that the information had not been received by that member. I wanted clarification about whether the department's answer to that question had been distributed to all members of this committee.

The Chair: Thank you.

Monsieur Rayes, I believe I see your hand up as well.

[Translation]

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

Last week we received a note from the analysts, if I am not mistaken, asking us to send our proposed amendments to Bill C-10 as soon as possible. I would like to check if this is a common practice. We are still at the preliminary study stage. We have not even begun to study Bill C-10. So I think this request is premature. Also, if we refuse to send our amendments, I would not want it to be interpreted as a refusal to cooperate.

Secondly, I find it a little premature to propose amendments before we have even heard from the various witnesses who will come to talk to us about their concerns and give us their recommendations.

I would therefore like to know whether there is any particular reason why they are asking us to send them our amendments so quickly. For us, it will be impossible. We want to take the time to hear from all the stakeholders from the different organizations and then compare that with the information we got from our consultations. Then we will present our amendments to you.

• (1305)

[English]

The Chair: Before I get to the next question, I just heard two different issues.

I thought, perhaps, Mr. Rayes would weigh in on what Ms. Dabrusin said.

Ms. Dabrusin, I apologize, I don't know if you're looking for an answer on that. Do you want to leave your statement at that? Very well. That's done.

Mr. Rayes—

Ms. Julie Dabrusin: No, I'm not done.

The Chair: I'm sorry, Ms. Dabrusin.

Ms. Julie Dabrusin: Mr. Chair, I was hoping that the clerk would be able to provide that clarification as to whether the information had been shared with all of the members.

The Chair: Can I return to that? During the deliberations I will give you that answer, perhaps in between witnesses, if that's okay.

Ms. Julie Dabrusin: Okay.

The Chair: Thank you.

Mr. Rayes, turning to your point, to tell you the truth, the issue of providing possible amendments was brought to my attention.

You are absolutely right, in the sense that your amendments could be affected not only by the testimony you hear here, but if the bill arrives to us and succeeds second reading, you could also be in that same position. The reason we brought this forward was that we wanted to avoid a logjam, as it were. We wanted to avoid a backlog of amendments that come in, because I suspect there may be a lot of amendments.

I took this upon myself because I like to be in a position to remind members about the process of clause-by-clause examination, which can be a long process, and I would like to arm you with as much information as I can. It doesn't compel anybody to hand the amendments in right now. If they do, that's great. I just provided the information because I know some people are new and don't know the process, and they may want to do that. It also helps out our legislative branch to deal with this not all at once but in a timely fashion.

You are under no pressure to hand them in now. If you want to, you can, because the legislative branch is there for you for your assistance in doing your deliberations. Of course, as a critic, I understand you have a lot on your plate. That's why I wanted to do that in advance.

[*Translation*]

I now give the floor to Mr. Champoux.

Mr. Martin Champoux (Drummond, BQ): Thank you, Mr. Chair. I was concerned about that as well. I'm glad you answered that question.

Last week, I tabled a notice of motion regarding the translation of documents. While I do not want to delay the meeting with witnesses, which is very important, I would like to make sure that there will be a time when I can formally introduce this motion.

The committee members all seemed to be relatively in agreement. I wondered, however, if there was any debate on the motion.

When do you think it should be tabled?

[*English*]

The Chair: Given the fact that we're tight for time, I'm not sure what is appropriate, to be quite honest. I'm going to leave that up to you, Mr. Champoux. You are a valued member of this committee. Whenever you want to bring it up, you most certainly can. All the clearances are there. I'm just going to put it back to you: Do you want to do it now, or do you want to do it later?

[*Translation*]

Mr. Martin Champoux: Mr. Chair, with your permission, I will do so now. Thank you very much.

As the motion is already in the digital binder, my colleagues were able to read it.

It goes as follows:

That all documents presented as part of the committee's work be edited and proof-read first by the Translation Bureau's linguistic services to ensure that all committee members can work equally effectively in the official language of their choice.

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

[*English*]

Do you wish to comment any further?

I will leave it at that.

Does anyone else wish to comment on this?

[*Translation*]

Mr. Martin Champoux: We already discussed this fairly quickly last week.

However, I am, of course, willing to listen to members who would like to comment on the motion.

[*English*]

The Chair: Okay.

Ms. Dabrusin.

[*Translation*]

Ms. Julie Dabrusin: Thank you.

I agree in principle.

My question is more for the clerk or the people who work with her.

If this causes a delay, how will this affect the people working on these linguistic edits?

The Chair: The floor is yours, Mr. Champoux.

Mr. Martin Champoux: I understood that the question was addressed to the clerk and I would not want to take away her opportunity to answer.

I would like to say that during our discussions, we agreed that if there were documents that needed to be consulted urgently, we could forward them. At the time of receipt, they would also be sent to the Translation Bureau, which would ensure that the translation was adequate. This would not slow us down that much. However, if adjustments were to be made along the way, they could be made and communicated to us on a piecemeal basis.

• (1310)

The Chair: Thank you, Mr. Champoux.

[English]

I don't have a lot further to add, other than that there was some confusion at the beginning about the translation bureau. There is one that services the House of Commons and the department as well. There was some confusion as to different areas, whether one served the ministry and the other one served the House of Commons. That's not particularly the case.

That was the only type of confusion there was that I would like to clarify. Other than that, let's keep the issue rolling.

I am going to go to Mr. Housefather.

[Translation]

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

I would like my colleague, Mr. Champoux, to clarify this.

I quite agree with the proposal.

Is my colleague saying that translations are sometimes done by consultants in addition to House of Commons translators? Is he also asking that documents translated by these consultants be revised by House translators?

Did I understand correctly?

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

Mr. Martin Champoux: For example, departments that provide us with documents are responsible for providing them in both official languages. It is also often the case that independent organizations provide documents in both official languages. Despite all the good will, it is impossible to ensure the accuracy of translation services.

Since we have had a few examples in recent weeks, that is why I am asking that people who also revise House of Commons documents review them.

[English]

The Chair: I see by some nodding that this is taken care of. Does anyone else want to speak on this particular motion?

Aimée wants to provide some clarification.

The Clerk of the Committee (Ms. Aimée Belmore): I apologize, Monsieur Champoux. This is to clarify.

The motion says that it must be proofread first.

[Translation]

If I understood correctly, you said that urgent documents could be distributed before being translated.

Is your goal to distribute the documents and then have them translated by the Translation Bureau or to have them translated by the Translation Bureau first?

The Chair: Mr. Champoux, we are listening.

Mr. Martin Champoux: That is an excellent question.

We should not delay the work, but we must still ensure that all documents submitted for committee consideration are rigorously well translated. Despite an apparently good translation, the meaning

can change a great deal. It is therefore important to deal with certified translators, who will ensure consistency in the quality of the documents we work with.

If we receive documents at the last minute, we can show understanding. We can begin to study the content at the same time as we submit them for revision. When the revisers discover shortcomings, they may point them out to us and bring to our attention that on a particular page of a given document, it should have said this and not that.

In short, I don't want this to slow down the work, but I want to make sure that the documents we're going to work with are accurate, no matter what language they are written in.

The Chair: Thank you very much.

[English]

There are no more clarifications there.

I see Ms. Dabrusin with her hand up.

Ms. Julie Dabrusin: Just to get back to the point I raised—I think our clerk touched upon it—it was about the public service side of things and to make sure we're taking that into account.

I'm absolutely in agreement with Monsieur Champoux that we should be getting materials that are proper in both official languages. I have no challenge on that part. It's just a question of whether anything needs to be done about timelines, or whether any kind of amendment is needed to make sure we're not adding undue strain.

That's the only point I'm raising: whether we need to consider anything on the timing and exchange of documents to make sure, for clarification's sake, that we need to do that. Otherwise, I'm good. I have no problem with this.

• (1315)

The Chair: That's duly noted, Ms. Dabrusin. Thank you very much.

However, I want to warn people that we're drifting outside the scope of this particular motion. I don't want to go too far away, because it is on the floor and we have to dispose of it. I'm just looking for any further comments on this issue.

Seeing none, I can proceed to the vote.

(Motion agreed to [See Minutes of Proceedings])

The Chair: Okay, let's jump right in to the business at hand, unless I see something else.

We are back to Bill C-10 and our prestudy continues. We have three groups representing in the first hour. Be forewarned—we're about 16 minutes in—that I may stretch this particular meeting to a level that I think is appropriate. I hope you don't mind.

Let's start out with the Aboriginal Peoples Television Network. We have Monika Ille, chief executive officer, and Joel Fortune, who is a legal adviser for APTN. We also have Dr. Michael Geist, Canada research chair in Internet and e-commerce law in the faculty of law at the University of Ottawa; and from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo, we have Solange Drouin, vice-president for public affairs and director general.

Folks, we have five minutes. I'm afraid I'm going to have to be very strict on those five minutes, given that we're short of time.

We start with the APTN.

Madam, please proceed.

Ms. Monika Ille (Chief Executive Officer, Aboriginal Peoples Television Network): Thank you. Good afternoon, Mr. Chairperson and members of the committee.

[Witness spoke in Abenaki and provided the following text:]

Kwáí! Nd'aliwizi Monika Ille. Aln8ba sqwa nia odzi Odanak m8wkaw8gan.

[English]

My name is Monika Ille. I'm an Abenaki from the community of Odanak.

I would like to acknowledge that I am speaking with you from Tiohtiá:ke or Montreal, the unceded territories of the Kaniienkehaka, and traditionally a land of exchange and gathering of many nations.

I'm the chief executive officer of APTN. I'm joined by Joel Fortune, our legal counsel.

Launched in 1999, APTN is the world's first indigenous broadcaster. APTN is available to all Canadians as part of the basic service on most cable and satellite services. We broadcast hundreds of hours of indigenous programs each year, including national news-casts. We broadcast in English, in French and in up to 15 different indigenous languages.

[Translation]

Our programming showcases the creativity of Aboriginal peoples and provides a unique opportunity to share our perspectives with all Canadians.

The Truth and Reconciliation Commission of Canada has recognized the role of the APTN in building bridges and understanding between Canadians and Aboriginal peoples.

We are very proud of the influence we have had on Aboriginal expression. At the launch of the network, there were very few independent Aboriginal producers. Today, we work regularly with about 100 of them, not counting the creators and the support teams that back them up.

If the CRTC had not used its powers, APTN would not exist and Aboriginal peoples would still be invisible on Canadian screens. APTN is a perfect example of what can be accomplished by a policy born of the Broadcasting Act, implemented through hard work

and goodwill and supported by the regulatory tools available to the CRTC.

[English]

We support the steps taken in Bill C-10 to recognize the place of indigenous peoples and indigenous languages in the broadcasting system, but—and this is a large but—there is a hole in Bill C-10.

Bill C-10 would remove the CRTC's ability to oversee and support the distribution of Canadian programming services such as APTN in an online environment. The CRTC powers that made APTN possible in the first place will, if Bill C-10 stays as it is, have no place in an online world. In the case of the proposed amendments to paragraph 3(1)(o), Bill C-10 is suggesting that indigenous people should be supported when they carry on traditional broadcasting, but not online broadcasting. This is not acceptable.

Today we're tabling amendments that will fill the hole in the bill. We have worked with the Independent Broadcast Group, a coalition of 12 different independent broadcast companies that includes ethnic broadcasters, local TV services, music channels, Canada's LGBTQ channel, minority language groups and others. Without the changes we're proposing, or something similar, the CRTC will not be able to ensure the fair treatment and visibility of Canadian services and apps, including APTN, in an online environment.

Right now, the Broadcasting Act is technologically neutral, so the CRTC does have the power to oversee online distribution, although it has exercised this power lightly.

To be honest, we don't understand why this authority would be taken away. You're well aware of the impact web giants have on newspapers and how difficult it is to bring the giants into the fold. Why, then, would we take them out of the Broadcasting Act when it comes to online distribution of Canadian programming services and apps?

In conclusion, there is much that we support in Bill C-10. The bill strives to better reflect indigenous people in broadcasting and the importance of indigenous languages and it acknowledges that we should operate our own broadcasting service. We fully support that aim. For services such as APTN and other indigenous and Canadian services, however, Bill C-10 as it stands does not see us playing a role in the future, and I'm concerned that it is actually excluding us from the online world.

Kchi wliwni. Thank you. I would be pleased to answer any questions you may have.

• (1320)

The Chair: Thank you very much, Madam Ille.

Now we have a stranger in the House—Dr. Geist.

I'm sorry. I'm just being somewhat facetious, Dr. Geist. Please don't take it the wrong way. I have known you for many years, sir. You have been on many committees.

I don't think I have to tell you how this works. You have five minutes, sir, and it's all yours.

Dr. Michael Geist (Canada Research Chair in Internet and E-Commerce Law, Faculty of Law, University of Ottawa, As an Individual): Thanks so much, Mr. Chair. It's a pleasure to be back at this committee.

Good afternoon. My name is Michael Geist. I'm a law professor at the University of Ottawa, where I hold the Canada research chair in Internet and e-commerce law and I am a member of the Centre for Law, Technology and Society. I appear here in a personal capacity, representing only my own views.

As you may know, I have been quite critical of Bill C-10; however, please understand that criticism of the bill is not criticism of public support for film and television production. Support through all levels of government is essential. Rather, the question is whether Bill C-10 is the best way to provide that support.

Having carefully studied the bill, I argue that it's not. I'd like to get started by pointing to four broad concerns.

First, there is no free lunch. What appears to be free, as in new free money for the sector, comes at an enormous cost, and not just to consumers in the form of higher bills at a particularly difficult economic time.

I recently was engaged in a debate with Janet Yale of the Yale report in which she acknowledged that broadcasting policy restricts consumer choice. We know, then, that there will be a cost to consumers. Less understood is the cost to creators from the bill: the loss of fundamental principles, such as Canadian ownership and control of the broadcast system, the loss of the predominance of Canadian talent, a risk to Canadian intellectual property, and in the short to medium term, less production because of an uncertain regulatory environment.

Second, the bill punts many of the most important details, leaving it to lengthy processes at the CRTC or secretive cabinet decisions. The level of uncertainty and what's not in the bill is astonishing. Legislation is supposed to remove uncertainty, and this does the opposite.

The minister has said he plans to issue a policy direction that could cover everything from exclusion of video games to an IP policy to revisiting the definition of Canadian programs. Respectfully, that simply isn't good enough to meet the kind of transparency standards the government has long set for itself. Indeed, there is so much unanswered that it will take years to sort out, and creators will have to wait at least until the latter half of this decade for the promised benefits.

Third, this isn't about levelling the playing field. I've written extensively about the advantages enjoyed by conventional broadcasters, whether simultaneous substitution, market protections, must-

carry rules or copyright retransmission benefits. There is no "like for like" here.

Fourth, with all due respect, some of the claims about the bill simply don't stand up to scrutiny. The minister has told the House of Commons that the bill contains economic thresholds, when it doesn't; that it excludes news, when it doesn't; that it won't affect Canadian ownership requirements, when it will; that the entire process will somehow be completed by this year, which it quite clearly won't be; and that it is similar in approach to what has been implemented in Europe, when it isn't.

These aren't inconsequential issues. As you may know, I've written a 20-part series about the bill that I'd be happy to table with the committee. With more time, I would delve into the many issues that are raised in that series. They include concerns about the approach of regulating all Internet streaming services anywhere in the world with some Canadian subscribers and then working backwards by saying that some might be exempted in a process that will take years to unfold.

That simply doesn't work. The registration and data disclosure requirements would still apply to all, and the inevitable result would be less choice for consumers and less revenue for creators as services block the Canadian market or simply license their content into Canada.

Moreover, the risks to Canadian intellectual property are enormous, potentially making Netflix and Amazon the kingmakers of Canadian content and leaving Canadian broadcasters with leftover scraps.

In my last minute, let me ask how we can fix this. I'll make three points.

First, thresholds in the legislation are essential so that rules only apply to the largest companies that have a real and substantial connection to the Canadian market.

Second, a transparent approach on critical policies is needed before the legislation is passed, not after. No bill should create more questions than it answers.

Third, there is a solution that would put money into the hands of creators this year, not in five years. I think we all want large Internet companies to make an appropriate contribution in Canada, and we have a system for that. It's called taxation.

Tax revenues can be used in whatever way we want, including in direct support for film and television production. The government could say that 30% of these new revenues go directly to the sector. That doesn't require changing the core policies of the Broadcasting Act. It doesn't require a secretive policy direction or years of litigation at the CRTC. It doesn't lessen competition, increase consumer costs during the pandemic or decrease choice. It also doesn't create huge uncertainty in the market for the foreseeable future.

• (1325)

The Broadcasting Act is an essential piece of legislation, not only for the film and television sector but for all Canadians. We all deserve better.

I welcome your questions.

The Chair: I told you Dr. Geist was here before. I asked for five minutes and he just gave me exactly five minutes, right on the nanosecond.

Thank you, sir.

Madame Drouin, there is no pressure. You're up, for five minutes, please.

[Translation]

Ms. Solange Drouin (Vice-President, Public Affairs and Director General, Association québécoise de l'industrie du disque, du spectacle et de la vidéo): Good afternoon.

Before I read my text to you, I would like to point out that Mr. Geist was speaking on his own behalf, while I represent an association, a large group of companies and individuals. In addition, I am co-chair of the Coalition for the Diversity of Cultural Expressions, which also represents at least 200,000 artists and thousands of businesses. But we all feel that, although the bill needs to be improved, it meets many of the expectations we have had for a long time. We must therefore put all of this into perspective. I took a minute to say that, but I thought it was important.

I will now put on my hat as a representative of the music community. What is the ADISQ? Who are we? The Association québécoise de l'industrie du disque, du spectacle et de la vidéo has been in existence for over 40 years. Our companies are independent businesses that are mainly based in Quebec, but that support the national and international development of the careers of song and music artists, most of whom are French-speaking.

Our mission is to support this cultural and economic sector, let's not forget, by setting up a legislative, regulatory and financial business context favourable to its development. In a little over 40 years of history, our music and songs have been able to take off, firstly thanks to the talent of our artists and the entrepreneurship of our businesses, but also thanks to a set of important cultural policies, including those mentioned by the Aboriginal Peoples Television Network, APTN.

Let's go back 40 years, long before the digital reality surrounded us. The music industry was dominated by a few foreign multinationals. The music offered to Canadians by these companies consisted in distributing music from elsewhere and, with a few excep-

tions, presenting French-language versions of English-language songs.

Even today, these companies are still part of our landscape. They are represented here by Music Canada, which you invite from time to time. They play the same role they used to play, but they have become a little more involved, in terms of production, in Canadian culture—almost exclusively English-speaking. These companies are totally absent from the production of French-language content. Our national production of French-language content is carried out almost entirely by independent Canadian companies, including those I am representing here before you.

The sizes of these two business segments are not comparable. We are small companies and they are large multinationals. Despite this disparity in resources, Canadian artists, particularly Francophone artists, have been able to achieve great success. However, none of this would have been possible without the implementation of cultural policies and government measures.

Let's use radio as an example. About 50 years ago, the Canadian government required minimum standards for the presentation of Canadian and French-language content. By ensuring that Canadians could discover their artists on the radio, the government allowed them to be appreciated; then the public would choose to buy their records or tickets to shows. Without this valuable showcase put in place more than 50 years ago, this virtuous circle of development would have been impossible.

Even today, this privileged access of artists to the Canadian public through radio plays an enormous role in the careers of Canadian artists. Other forms of consumption have emerged over the past 15 years, such as Spotify and YouTube. It is therefore urgent that the government act in such an innovative and bold way with respect to digital platforms, and that is what Bill C-10 seeks to do. This is why the entire cultural community is very enthusiastic about the historic nature of the approach taken by this bill.

Admittedly, this bill is not perfect. You have the duty and the power to improve it. It must be strengthened in order to maintain the Canadian character of the system, restore the obligation to make maximum use of Canadian creative resources, more adequately protect the production of original French-language content, and give the CRTC the power to act on all elements of the system, including social networks. We must not miss this historic meeting and make it a missed opportunity.

• (1330)

Today, we hope to see Bill C-10 finally pass second reading in the House of Commons.

I will be happy to answer your questions.

The Chair: Thank you, Ms. Drouin. You are very kind.

[English]

I've never done this before, but I think it's worth mentioning just very quickly to everyone since what we study at this committee is culture, arts, heritage and cinema. I just noticed the passing of Christopher Plummer, the actor. Christopher Plummer was not only an international star in the world of acting, he was also, equally, an incredible ambassador for this country of Canada. I would like to take it upon myself to express, on behalf of the committee members, sympathies to his family. May he rest in peace.

Nevertheless, let's get on with our questioning. As I mentioned earlier, please say who you're addressing your question to. That makes life a lot easier for us and for the people handling this world virtually, of course.

We're now going to go to questioning. We will start with six minutes for the Conservative Party.

Mr. Waugh, go ahead, please.

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

I want to thank the three groups that have come in front of us today at the Canadian heritage committee.

Dr. Geist, I've looked through your 20-part series. You've been the most controversial person, if you don't mind my saying so, in the country towards the broadcasting Bill C-10. You've talked about it for five minutes. We can probably hear from you for an hour.

You spent a month dissecting this bill. You feel it is deeply flawed. You gave us some reasons why, but it's going to have a major impact if it is passed through the House of Commons, and I'd like you to comment on that.

• (1335)

Dr. Michael Geist: Thanks for reading and thanks for the question.

I tried to highlight a few of the things. I think the impact will be felt across a number of different kinds of stakeholders.

From a consumer perspective, as I noted, what this is going to do is decrease choice and raise costs. There will be services that will not enter the Canadian market. This will particularly hit multicultural communities in Canada that often rely upon different services from other countries that stream in. Many of them look at the associated regulated costs and say they're simply not interested in entering into the marketplace. There will be less choice and higher costs for consumers at a difficult time.

From a broadcaster perspective, I think it actually puts many of them at a disadvantage as well. They're going to have to compete with some of the large companies like Netflix and Amazon for Canadian content. They're going to get outbid and they're going to be left with intellectual property that isn't the very best because that's going to be scooped up by some of their American counterparts. They're going to find themselves in a difficult position because streaming services, even Canadian streaming services, will be able to get more in capital. They'll still be restricted and not have access to the same kind of capital.

From a creator perspective, I want to emphasize again, this is going to take years. Anyone who's done anything at the CRTC knows we are talking about lengthy hearings, followed by judicial review, followed by the prospect of more hearings. It will take at least half a decade to get this sorted out.

From a creator perspective, there aren't a whole lot of gains to be had, certainly not in the short term. It's somewhat ironic given that the sector, at least pre-COVID, was enjoying robust financing and in fact had record-setting amounts of film and TV production in Canada.

Mr. Kevin Waugh: I agree with you there.

The minister and the Liberals have talked about comparing this to what they do in France and in the U.K. and what they're trying to do in Australia. You feel that's misleading in this bill. Why do you feel that?

Dr. Michael Geist: It simply isn't what's happening.

The reference point is often to the European audiovisual directive, but we should be clear: There are only four member states—Denmark, Germany, Sweden and the U.K.—that have currently transposed the directive. That means there are more than 20 member states that haven't even moved forward with it. If we take a look at the obligations, even of the countries that have implemented this, they're far different from what is being proposed here.

Denmark, for example, has a 2% direct-investment requirement. That's a far cry from the 30% that the minister has been thinking about, and there is no content quota at all in Denmark. In Germany, the levy runs between 1.8% and 2.2%. Spain is thinking about a 5% requirement. The dollars are just dramatically different compared with what the government is thinking about when it talks about its billion dollars in terms of new gains compared with what is being posed in Europe.

It's an inapt comparison more broadly because the requirement is applied across the EU. We're a single, small market. If you have an obligation that can be spread, let's say, 1% across nearly 30 member states, that is very different from the same 30% on one country with 37 million or 38 million people.

Mr. Kevin Waugh: We don't share the enthusiasm of the minister regarding the \$835 million that the minister claims will be the windfall in this from streaming providers, because there is no accountability with the \$835 million. We've asked for the information. Now we've heard that it's coming, but at the same time, when we talk to companies like Disney, Netflix, Amazon and Apple they don't see this at all—

Ms. Julie Dabrusin: Mr. Chair, as a point of clarification about its not being forthcoming, on the point that was raised, it was actually, in fact, already shared months ago.

The Chair: Thank you, Ms. Dabrusin. I'll leave it at that.

Mr. Waugh, we will go back to you.

Mr. Kevin Waugh: The concern about the \$835 million that they claim will be the windfall from these streaming companies is with where it will go. We can't find out other than hearing that they have brought it forward now, but that's not shared when you talk to Netflix, Amazon, Apple and so on. They do not share the robust \$835 million that they may be in charge of in bringing extra money to Canada.

• (1340)

Dr. Michael Geist: Let me just run with a couple of things. One, it's great that the information was provided to the committee months ago. It would be even greater if the Canadian public had access to that information. The fact that so much of this data has not been provided about the implementation, about even some of the analysis, to the broader public, I think, has been problematic, with all due respect.

In terms of the money, a lot of it is not even new money. These companies are already investing hundreds of millions of dollars in Canada. We know that because we've seen increased spending in film and TV production in Canada in recent years. Much of that is coming from foreign-based services.

What we know will happen is that in the short term many of them may cut back because of the uncertainty as to whether or not it will count for the purposes of these new requirements. Once they then figure that out, it's just going to be shifting dollars from one pot to another. The idea that this brings in all of this new revenue simply isn't right. In fact, we run the risk as well that certain services that might otherwise come into the market and invest will say that the Canadian market isn't worth the hassle. That's less money for creators and of course higher costs and less choice for consumers.

The Chair: Mr. Waugh, I'm going to have to leave it at that. I apologize.

Ms. Ien, you have six minutes. Go ahead, please.

Ms. Marci Ien (Toronto Centre, Lib.): Thank you so much, Mr. Chair.

Ms. Ille, I'd love to start with you if I might. You said there is a big hole in Bill C-10. As a trail-blazing broadcaster, could you tell us specifically, if you can, how APTN would be impacted by the hole that you described?

Ms. Monika Ille: As you know, APTN is mandatory carriage, so right now we get 35¢ per subscriber per month. We do have a place in the landscape, and it took time for us to get there. When APTN started we were way far on the BDUs' dial. You'd have lots of snow before you got to APTN. There was an issue with being discoverable then.

If CRTC is not overseeing that APTN is discoverable and accessible on the online platform, BDUs will probably not want APTN to be there. They were obligated before, and we're very thankful for that, but we will not be in the online world. We are available right now directly to consumers with our OTT platform, but I think you need way more than that.

When you're a broadcaster, you want to share your stories. You want to entertain people. You want to inform people. You want to

bring reflection, and you want people to have a better understanding. If we can't transfer that to online, then what's the use? Our stories will be there, but people won't access them.

It's a question of the future—our future as a broadcaster and for our stories.

Cord cutting is happening. We're seeing a decline in our revenues as well. It's all of this. Our revenues are declining, and we won't be discoverable.

Ms. Marci Ien: Thank you so much for that, Ms. Ille.

Ms. Drouin, I want to go to you now. You say that in Bill C-10 there is a lot that you agree with, but that it is not perfect yet. Those were your words. Can you tell us maybe one or two ways to make it more robust, in your opinion?

[*Translation*]

Ms. Solange Drouin: Thank you for your question.

Of course, the bill is not perfect, but it lays an important foundation for the new regulations that need to be put in place. In the music community and in the cultural community in general, we have been waiting 20 years for this bill, ever since the CRTC chose not to regulate the Internet. In 1999, we thought it was a very bad decision. Since then, Internet development has increased tenfold. Today, cultural consumption is shifting to online music services, such as Spotify, or to Netflix, in the case of television.

The bill is designed to welcome foreign companies into our Canadian system, which was limited to Canadian companies. However, it is important for the system to keep its Canadian character in general. Above all, we must force all companies, even foreign companies that will now be under the CRTC's authority, to make maximum use of Canadian content. This is stated in paragraph 3(1)(f) of the Broadcasting Act. However, the bill contains a new proposal that we find a little too watered down.

We want the current version of paragraph 3(1)(f) to remain, because it says exactly that all elements of the system must make maximum use of Canadian creative resources. It will be different for Netflix than it is for CBC/Radio-Canada, for TVA or for CTV, but first we have to see what kind of maximum use we must make.

• (1345)

Ms. Marci Ien: Thank you, Ms. Drouin.

[*English*]

Mr. Geist, there was a laundry list of things that you told us that you didn't like about the bill, about Bill C-10, including how Canadians would be impacted and the level of secrecy, and all of these different things.

I'm wondering if there's anything you do agree with.

Dr. Michael Geist: I think there's value unquestionably in re-examining where the Broadcasting Act is. What this seeks to do—and I think we've seen this even in a couple of comments that my fellow panellists have made—is to claim that this is all one system, that the Internet is the same system as broadcast or television and radio, and that we can have the same rules apply. The problem is that it isn't. The long-standing policies we've had in broadcasting, for the long-standing broadcaster, have been premised on scarcity of spectrum, the privilege of having those licences and the requirement to give back.

The Internet is different. There are not the same kinds of requirements. There is far more expressive potential. There are far more opportunities for creators and for consumers alike. The problem is that when you try to put that square peg in a round hole, you end up with exactly the kinds of things that were mentioned, such as the inability, for example, to require Canadians to be predominantly—

The Chair: Thank you, Dr. Geist. I'm really tight on time.

Dr. Michael Geist: I'm sorry, Chair.

The Chair: Let's go to Monsieur Champoux.

I understand you're splitting your time with Madame Desbiens.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, there is a change of plan. For technical reasons, Ms. Desbiens has given me her time.

The Chair: All right.

Mr. Martin Champoux: Again, thank you very much to all the witnesses for being with us today.

Ms. Ille, time is running out and I will not be able to ask as many questions as I would like. However, I would like to tell you that I have enjoyed the discussions we've had and that we will have more in the future. I assure you once again of my unflinching support.

Now, I would like to have a brief discussion with Ms. Drouin, the ADISQ representative.

We have had discussions on the issue of French and on the way to ensure that the production of original French-language content will be protected at all times in the regulations that will be enacted by the CRTC.

We had this discussion because we don't really know what form this will have to take. I would like you to give me your opinion on this: how can we ensure that the law will preserve and protect the production of original French-language content?

Ms. Solange Drouin: Thank you for your question. Thank you also for allowing me to continue on this subject.

I have been with the ADISQ for 30 years. That's probably as long as Mr. Geist has been at the University of Ottawa. I have been reading Mr. Geist's writing for 30 years and I have been disagreeing with him for 30 years. That's okay. It's common knowledge.

I would like to bring to everyone's attention the fact that, in our economy or in the world, there is no universe where we are faced with an infinite choice. When we go grocery shopping, we don't have every single kind of pea on offer. There is no such thing. When we buy a car, we don't have access to all the cars available

on the market. Choices are made that condition the offer in all sectors of the economy.

When it comes to culture, I think there must be a bias in favour of our own culture, which would be quite normal. Contrary to what Mr. Geist says, it is not true that there are no rules or technical means that allow us to achieve the same result in the digital world. The reasons may not be the same. It is true that frequencies are no longer scarce, as they were at the time. However, even if this scarcity no longer exists, this does not mean that there are not other good reasons to do so. You have to stop quibbling about whether or not there is a scarcity. Okay, there is no longer a scarcity, but are there still good reasons to regulate and enhance our national content? The answer is yes, and I would argue that there are even more, because our content is getting more and more drowned out. So why not promote our French-language and Canadian contents on our own territory?

In this time of pandemic, we see how important it is to have our own resources. We see that with respect to the vaccine. When you're dependent on what's going on in the world, you may be missing opportunities and you're not self-sufficient. Here, the tools that transmit culture must first be at the service of our culture. Bill C-10 is beginning to move in that direction, and that is why we welcome it with such interest. This bill must do the same for all French-language arts. As others have said before you, Canadian legislation should be amended to give greater prominence to the protection, promotion and development of French-language content in sections 3, 5 and 9. We will commit all of our proposals to paper, and you can read them quietly. This is essential, and I think that nothing in the Internet universe prohibits this.

Mr. Champoux, I see that you want to ask further questions.

• (1350)

Mr. Martin Champoux: I have another one for you, Ms. Drouin. As you said, your experience of CRTC hearings is very extensive. I think you too could write a few books on the subject.

Do you think it is realistic to give the CRTC nine months to hold hearings and put this bill in place?

Ms. Solange Drouin: Of course, this time frame is short, but it is highly desirable.

This is a high mountain to climb. We have to start climbing it. Not everything will be built in nine months, of course, but we have to start.

However, there is a need to prioritize. We have to decide which aspects and sectors we want to implement quickly. As for the music community, which Mr. Geist is less familiar with, it's obvious that if online music services such as Spotify, YouTube and others contributed to the production of content, it would make a really big difference in our industry. There would really be an infusion of new money. We could start with priority services. Not everything will be solved in nine months, but we need to start now.

Mr. Martin Champoux: I have 30 seconds left to ask you a quick question. It is obvious that some will propose deregulating traditional broadcasters rather than regulating online broadcasters.

What would be the impacts on the cultural industry and creators?

Ms. Solange Drouin: This morning I was in a meeting with our members. We were talking about commercial radio.

Still today, commercial radio plays a major role in the development of artists' careers. As long as this is the case, the ADISQ will fight to ensure that commercial broadcasters promote our French-language content and contribute to it. The new services, which do not currently do this and which present foreign content, must contribute in the same way.

Mr. Martin Champoux: Thank you.

The Chair: Thank you, Ms. Drouin.

• (1355)

[English]

Ms. McPherson, go ahead for six minutes, please.

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

I would like to thank all of the witnesses. This has been very interesting. I have had the opportunity to speak to many of you outside of committee, so I have the perspectives you have been able to give me. I'm interested in hearing your responses to some of the questions as we go forward.

I'm going to start with Ms. Ille from the Aboriginal Peoples Television Network. You talked about the hole that is in the bill in terms of support for the APTN, and about how you have some proposals you're putting forward for Bill C-10. Could you very quickly walk us through the changes you're proposing and how you feel those changes would fix the hole you identified?

Ms. Monika Ille: Certainly. I could start by talking about two of the changes that pertain directly to APTN, our own media and indigenous people.

Proposed paragraph 3(1)(o) says that indigenous people could carry on "programming undertakings", but when you say that, you exclude online activities. We don't understand why that word would be used, which would prevent us from reverting to an online activity, so we definitely would want that to be changed to "broadcasting undertakings".

This is hopefully an oversight that could be fixed quite easily.

Definitely, within the Broadcasting Act, a definition of the words "indigenous people" should be added. As you know, indigenous is one big word, and it pertains to first nations, Métis and Inuit people. It would be nice just to add this definition to show a recognition and acknowledgement of the different nations.

I could ask Joel to go through more details on the other ones.

Mr. Joel Fortune (Legal Adviser, Aboriginal Peoples Television Network): Thanks, Monika. I will do it very quickly.

We work very carefully with the structure of the act and what the department proposed for Bill C-10 and how the various powers of

the CRTC work. We really focused in on what we thought were the absolutely essential powers that the commission could have in relation to programming services as opposed to Canadian programs.

We proposed changes to the proposed subsection 9.1, which is on the CRTC's ability to make orders that affect online services. We are suggesting that the ability to make programs available should also extend to programming services, to make them available and discoverable. Similarly, there is an issue regarding the current requirement that distribution undertakings make certain programming services available. If you look at the act, a distribution undertaking by definition excludes an online service, so that's just crazy. If you have one type of distribution undertaking using one technology, you can make the service available under certain terms and conditions, but for a service using an Internet technology, you can't do that. That's just crazy, so we're suggesting that section should be changed.

Similarly, the commission's regulatory powers are very important. The underpinning for the whole system is its ability to make regulations, so we have suggested that certain regulatory powers that right now are limited to distribution undertakings specifically excluding online services should have the ability to relate to broadcasting undertakings, which would then include online services.

Those are a couple of little definitional questions, but they are very important.

We have also addressed the way the act works. Right now, you have two major sections. You have policy and you have powers, and you have to have both sections. You have to have a policy that relates to a power and a power that relates to a policy. It's great to have highfalutin policies, but unless there are specific powers that the commission can use, they really don't mean anything and vice versa. We have suggested a specific policy section that would relate to online services when they are distributing other services. It's essentially that they treat other services fairly and make Canadian services visible.

These are just some basic objectives for online distribution of Canadian programming services. Right now the act is completely silent on that point. That's a major flaw.

Finally we suggest a modification of the existing language that deals with Canadian ownership in the system. Essentially, we're suggesting that the act shouldn't just remove it; doing that seems excessive. We should certainly recognize that there's tremendous value in protecting Canadian ownership in our own broadcasting world. I can't believe the act wouldn't have that. In addition, we think it's important to recognize the diversity of voices, and especially of independent voices, in that section.

All of those pieces work together to fill the hole that Monika identified.

• (1400)

Ms. Heather McPherson: Are there maybe examples? When we see this...and we've heard about different countries and what they are doing. Mr. Geist spoke about that. Perhaps you could talk a little bit about any countries that you've seen that are dealing with online distribution that we could use as road maps.

Mr. Fortune, could I pass it back to you again?

Mr. Joel Fortune: Sure. The United Kingdom is looking squarely at this issue right now. Ofcom in 2019 delivered a report to Parliament, I think, recommending that their legislation be amended to deal with exactly the issues we're identifying here. It was about ensuring suitable prominence and fair treatment for certain U.K. services on global platforms made available in that country. That was in 2019. It went up to the House of Lords. They're not known as the most radical people in the world, but they thought it was a great idea. They recommended that those proposals be adopted.

Right now the U.K. Ofcom is looking at that exact issue. Ongoing consultation was launched in December. People are providing their comments on this issue, that certain key U.K. services, which there are quite a few of—it's a different environment from ours—should be offered on global platforms and should be treated fairly. As well, there should probably be some backstop provisions to ensure fair treatment.

There are policy issues around this, but that's what they're looking at. That's their job. They're the regulator. Our regulator should have the same job. They're certainly no less capable than Ofcom. Our act should let them do it.

The Chair: Thank you, Mr. Fortune.

Ms. Heather McPherson: Thank you for that.

The Chair: Thank you, Ms. McPherson.

Folks, that brings this session to an end. We had time for the full first round of six minutes each. I now have to draw this to a close. We have to take a break for our next guests.

Madame Drouin, Dr. Geist, Mr. Fortune and Madam Ille, thank you so much for joining us in this round.

We'll suspend for a few minutes. Please don't turn off or disconnect from this. As you know, technically, once we get our next guests going, we will start right away.

Thank you again to all.

• (1400) _____ (Pause) _____

• (1410)

The Chair: Okay, folks, we are back for our second round. We're studying Bill C-10, of course, in a prelude of Bill C-10 before it passes the House of Commons, if it does.

I'd like to make a few comments.

Again, screenshots, or taking photos of your screen, are not permitted. That's for our committee members and our guests; please do not take screenshots. Please, before speaking, wait until I recognize you by name. When you are ready to speak, you can click on the microphone icon to activate your mike. For interpretation, you have the choice at the bottom of your screen of whatever is on the floor, or you can switch to either English or French interpretation. Please, when you are not speaking, put your mike on mute.

These are all the universal Zoom rules that we've been under for the past year, or almost a year.

Of course, I want to welcome our guests. We have two participants today. We have two guests we want to hear from, and we want to thank them for joining us here on a Friday afternoon.

We have, from the Friends of Canadian Broadcasting, Daniel Bernhard, who is the executive director, and from the Union des Artistes, we have Sophie Prigent, Pascale St-Onge and Julien Laflamme.

We have five minutes each for your remarks. I unfortunately have to be a bit strict on that. I'll let you clew up your thoughts, but you have not much beyond five minutes, if we get there.

We're going to start with Mr. Bernhard from Friends of Canadian Broadcasting, please, for five minutes.

Mr. Daniel Bernhard (Executive Director, Friends of Canadian Broadcasting): Thank you very much.

[Translation]

Mr. Chair, honourable members of the committee, thank you for inviting me to testify before you today.

The Friends of Canadian Broadcasting is a citizen's movement dedicated to defending our cultural identity on the airwaves and online. Since our work is funded exclusively by citizens, our only interest in this process is that of the public.

[English]

Canada is an idea, and without sovereign media, that idea won't last. In 1932, the Conservative government recognized the power of radio to reinforce Canada's political, economic and cultural independence. They also foretold how an unregulated broadcasting system would turn this power against us, imposing American ideas and American ideals onto Canadian culture and politics.

[Translation]

We have taken care to protect our cultural institutions, but the omnipresence of the GAFAM group continues to threaten them. Ottawa has turned a blind eye to the distribution of illegal content on many of these platforms and has allowed foreign digital broadcasters to enrich themselves on our territory without contributing to the production of local content and without paying their taxes. Thanks to these companies and the inaction of Canadian governments, our democracy is now weakened and our society is becoming increasingly divided.

[English]

Minister Guilbeault pitched Bill C-10 as a solution to at least some of these problems, and if we judged it by his comments alone, Bill C-10 would be a wild success, but upon reading the text itself, it's clear that Bill C-10 is not exactly as advertised. In fact, the bill, which should regulate digital broadcasting, could leave Netflix, Amazon, Facebook, Youtube and Spotify entirely unregulated, just as they are today.

The good news is that Bill C-10 can be fixed, and we have formulated 19 precise amendments that would cause the text of the bill to more closely resemble the minister's account of it.

• (1415)

[Translation]

First, let's address the issue of Canadian content. We subscribe to the philosophy that, by default, digital broadcasting should not require permission. However, giving the CRTC the option to regulate platforms such as Netflix is totally insufficient. The CRTC should be obliged to regulate digital broadcasters of a certain size.

[English]

Minister Guilbeault promises to address this by order in council, but that's a temporary approach that future governments could undo without parliamentary scrutiny. You can't accept this bill on the promise of an order that you haven't seen and that may not materialize. It's important to strengthen the bill itself.

Second, on social media and algorithmic decision-making more generally, we agree that people who create and upload content to the Internet should not require a licence to do so, but we can achieve that without exempting companies like Facebook, YouTube and Pornhub from responsibility for the content they broadcast. These companies routinely broadcast illegal content that would land any other broadcaster in court. The exemption for user-generated content should apply to the users themselves, not to the platforms who make billions curating and promoting this content. The Broadcasting Act alone cannot hold the likes of Facebook fully accountable for its transgressions, but it would still help to remove Bill C-10's blanket exemption for social media sites and revise the new concept of programming control to specifically include decisions made by algorithm.

Third, Bill C-10 removes Canadian ownership requirements, paving the way for Fox and other American interests to swallow ailing Canadian broadcasters, decimating local programming, especially local news. We need not invite the further decimation of local news in Canada.

Finally, Bill C-10 is completely silent on the CBC, which could soon be the only national media of consequence left standing. You could use this opportunity to revise CBC's mandate to be fundamentally non-commercial and to finally end political appointments for the president and the board.

In closing, I urge you not to waste this precious opportunity. We may not get another chance like this for years, and most Canadian media won't survive that long. Just this week, Bell Media announced hundreds of layoffs, adding to the more than 3,000 media

layoffs in Canada since COVID. Let's make things right—right now—while we still can.

Thank you very much.

The Chair: Thank you.

We now go to the Union des artistes.

[Translation]

Ms. Prigent, you have five minutes.

Ms. Sophie Prigent (President, Union des Artistes): If I may, I will first introduce the Union des artistes. Then I will hand it over to Pascale St-Onge, who will speak about the Fédération nationale des communications et de la culture.

I might even venture to say that the Union des artistes is an old union in Canada, being in existence since 1937. Its authority is recognized by our governments.

We represent actors, but also singers, dancers and presenters. So there are four categories, as well as sub-categories, which represent comedians, stilt walkers and puppeteers—in short, all those beautiful creators who convey our culture on our stages and in our media.

I have long wondered how to approach the principle of identity, which I wanted to talk to you about today. In the end, I decided not to write anything down and to proceed a little more organically, because I felt it was the best way to explain it.

The Broadcasting Act and the Telecommunications Act govern our television and radio system. They therefore regulate music, television series, drama and news, among others. This is extraordinary.

Ms. St-Onge, would you like to introduce the Fédération nationale before I continue?

• (1420)

Ms. Pascale St-Onge (President of Fédération nationale des communications et de la culture, Union des Artistes): I will do it when you are finished. What you say is very interesting.

Ms. Sophie Prigent: All right.

Let's admit that these media are the most popular. You know as well as I do that television enters our homes and radio enters our cars and houses. They belong to us and look like us. They convey our values. They reflect who we are and make us evolve together. In short, radio or television serve as mirrors for us. The laws governing these two media should acknowledge the values of identity and recognition.

In our current system, the digital age is increasingly taking over the way we consume TV and radio content. Naturally, the mirroring phenomenon is therefore slowly diminishing. Concern is thus prompting us to ask ourselves whether it will diminish to such an extent that one day we will no longer be able to recognize and see ourselves in it. That would be profoundly dramatic. From the moment we know who we are, we can necessarily look at the other person better and accept their difference. If time permits, I will have examples to present to you later.

In short, laws serve to recognize certain principles and values. It is on this premise that the bill could be improved. There are certain fundamental concepts that we believe should be defended more strongly.

I give the floor to Ms. St-Onge.

Ms. Pascale St-Onge: Thank you, Ms. Prigent.

The Fédération nationale des communications et de la culture represents—

[*English*]

The Chair: I'm sorry but I have to interrupt, Ms. St-Onge. There's a quality issue with your microphone. It seems the audio we're getting isn't being picked up by the microphone on your headset.

Can you unplug it and plug it back in?

[*Translation*]

Ms. Pascale St-Onge: All right.

Is it better this way?

[*English*]

The Chair: I'm afraid we have the same problem. Unfortunately, with translation it's very difficult. They're telling me it's impossible.

At the bottom of the screen you will see that there's an arrow next to the microphone button.

Ms. Pascale St-Onge: Yes, and when I click on it, I'm connected with the headset that was sent to me by the government. I'm using your equipment, and I did the technical test yesterday and everything seemed fine.

The Chair: I'm sorry, Madame, but at this stage it seems translation cannot understand what you're saying at all because it sounds quite distant. I'm obviously not saying what you're doing there is wrong. It's just that we can't pick it up.

We have about a minute and 20 seconds left. I'm going to give the floor back to Ms. Prigent for now, Madame St-Onge. I sincerely apologize for that. If you wish, you can call IT to clarify, because we do have a round of questioning coming up.

Madame Prigent, we will go back to you, please.

[*Translation*]

Ms. Sophie Prigent: We could go straight to questions while Ms. St-Onge's technical problem is being solved, but I will finish my speech first.

The fundamental elements that we want to work on first and foremost are, among others, Canadian ownership and, of course, the French language and our people—that is, the workers, artists and artisans, whom we would like to see better protected and more involved in the projects that are done here in Canada.

Second, the CRTC must be given the resources and powers it needs to implement a more effective system. We must ensure that companies are accountable and guarantee the traceability of content. Finally, we need to look at the powers of the Governor in Council.

On the other hand, in an ideal world, we would get into the habit of revising laws. When we realize that there are loopholes, we have to be able to react quickly. Currently, I feel that we, in Canada, are trying to be proactive with regard to digital technology, which has not always been an easy concept to integrate.

In the future, it would therefore be important to achieve a certain lightness, even though I know that it is difficult to achieve this in legislation. In any case, if all this were provided for, it would already be easier.

• (1425)

The Chair: Thank you.

[*English*]

We'll work on the situation with Madame St-Onge. You have our apologies.

[*Translation*]

Mr. Rayes, you have the floor for six minutes.

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

Thank you to the witnesses who have taken the time today to come and help us in our committee work. I'll get right to the point.

My first question is for Mr. Bernhard of the Friends of Canadian Broadcasting.

Mr. Bernhard, I would like to hear what you have to say about the exclusion of social media in Bill C-10. It seems to me to be extremely worrisome.

Is this also the case for your organization?

Mr. Daniel Bernhard: Of course, Mr. Rayes. Thank you for your question.

The exclusion of social media from the bill implies two things that worry me.

First of all, it concerns the responsibility for the content disseminated. The Broadcasting Act says that each broadcaster is responsible for the content it broadcasts. If the act does not apply to social media, they will not be responsible for the content they broadcast, which we know is sometimes illegal.

On Friday, Mr. Chan told you about the efforts his company had made to address the situation, but it is clear that what he said was not entirely true. We have seen several examples where Facebook executives have made a conscious decision to allow illegal content to circulate on that platform. So it's very important to have the power to fix the situation.

Second, there is the issue of liability for the discoverability of content, including French content, and other CRTC rules, such as election advertising standards. There are other things in the act that must apply to social media. It is very important to include them in the bill.

Mr. Alain Rayes: Thank you, and I am going to ask you a second question.

Bill C-10 amends subsection 3(1), which many believe could allow foreign companies to take control of Canadian broadcasting companies.

Does that concern you too?

Mr. Daniel Bernhard: Yes, we recognize that the system has changed and that it was necessary to include foreign broadcasters, because it is impossible to build a wall between us and the rest of the world.

However, there is also a need to promote Canadian ownership and accountability in Canada. It is very important that foreign broadcasting and social media companies have officials here in Canada to be accountable to the CRTC, the government, the courts and Parliament for their behaviour.

Canadian representation is important, just as it is important to encourage Canadian ownership. It is crucially important to ensure the survival of local news media, which are currently in crisis.

It is not a good idea to invite foreign companies to buy our broadcasters and close them down. So we think it's very important to encourage Canadian ownership.

Mr. Alain Rayes: Section 19 of the Income Tax Act has, since the 1960s, provided that if foreign advertising is purchased, such expenses are tax deductible only for Canadian businesses. This does not appear to have been applied to the digital field in Bill C-10, which means that Canadian companies lose this advantage.

Do you agree with this statement?

• (1430)

Mr. Daniel Bernhard: Yes, I agree.

To improve the situation, without correcting it completely, we suggest changing the definition of broadcasting in the Interpretation Act. It is the act that is used by the agencies and the government to interpret the Income Tax Act. This could improve the current situation where foreign companies enjoy a commercial advantage over their Canadian competitors. Indeed, their products should not be tax deductible, but they are.

This advantage means that a few billion dollars are not sent to the government. This gives the advantage to Canadian companies that buy their advertising from abroad. This causes problems.

Mr. Alain Rayes: Excellent.

I would now like to congratulate the other organization for the working paper it submitted, which contains a number of recommendations. The document is 27 pages long, and very well written.

On page 2, I see that Union des artistes and the other representatives are calling for the Act to have more teeth, in order to protect the French language. They also point out that Canadian artists and workers should be used. In your opinion, some of the proposed amendments to section 3 of the Act are unacceptable because they would lead to significant setbacks in this area.

I would like to hear what Ms. Prigent and Ms. St-Onge have to say about those two points.

Ms. Sophie Prigent: Thank you.

Mr. Laflamme can add something if need be.

That is actually one of our requests. The worst thing that could happen right now, probably, is a step backwards. As you know, the language barrier can be seen on the job. We feel it's extremely important to protect all the workers we represent, creators, writers and performers alike. If foreign money comes here, it seems that it will be difficult for us at that point to preserve those jobs and that identity. So the Act needs to have some teeth added.

It's a shame that Ms. St-Onge can't talk to you about it, but perhaps Mr. Laflamme can.

[English]

The Chair: Actually, I'm sorry, but I have to move on to our next questioner. We're already past six minutes.

[Translation]

Ms. Sophie Prigent: Okay.

[English]

The Chair: You can work in your answer as we come to it, Monsieur Laflamme.

Now we go to Ms. Dabrusin, I believe, for six minutes.

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

Before I get to some questions for the witnesses, there's clearly a lot of interest from all of the witnesses who have been before us so far, and we've seen a lot of requests from people who want to be able to present at committee. I'm not sure if I'm going to have another chance before the constituency week to put this to the committee, so I'd like to ask if they would be ready to add an extra hour on Friday so that we could have a chance to hear from more witnesses and do this important work.

I understand that members of this committee have generally shown a great interest in this work, having done this pre-study and having said that they're interested in moving forward with Bill C-10. I put that somewhat in brackets because I was surprised to see that the Conservatives brought a motion this afternoon in fact to withdraw Bill C-10 and to have it fully pulled. However, luckily, I am happy to see that did not go forward.

I am presuming that the members on this committee still have an interest in doing the hard work on Bill C-10 and in being able to hear from as many witnesses as we can in order to move forward with the bill. I am wondering if we could have a chance maybe right now to see if we can get agreement from the different parties to add on one more hour. As far as context goes, I'm also going to add that we will not have a meeting on February 15 because of Family Day, so we're actually losing one day of witness testimony coming up. It would be very helpful for us to be able to have that extra time.

• (1435)

The Chair: Ms. Dabrusin, before we do that, we don't have committee business scheduled here, so what I will do is this. I'm assuming you'd like to use up your time to have this discussion, and I can allow other members to...?

I just stopped your time. If you'd like other members to add to what you just said, I'll let you know that I will use your time to do it until it runs out. Then we will go to the next questioner.

Ms. Julie Dabrusin: I'm absolutely fine with that, because I believe that what we're seeing overwhelmingly from people who work in the industry is that they want us to move ahead with Bill C-10. That's what I'm seeing from the number of people who have put their names forward to speak to it.

I would really love to see how we can work to do this.

The Chair: Thank you, Ms. Dabrusin. You have about four minutes and 30 seconds left. I will open up the floor. I see that Mr. Rayes wants to speak. I will recognize him and I will resume with your time.

Go ahead, Mr. Rayes.

[*Translation*]

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

What Ms. Dabrusin just said is very intriguing. I agree with us using her time to discuss her proposal. That way, we won't take up any of the time we have for questions to the witnesses who are here with us.

A few things concern me. We could discuss her proposal at the beginning of the next meeting, but we already have a busy schedule on Mondays and Fridays. At the end of the week, we all still have a lot of work to do. If we add an hour, it will mean even more preparation for each of us. We do not have very big teams, with due respect for the parliamentary secretary and the minister, who sometimes have more staff.

I'm concerned about another issue that we don't often consider: the interpreters. They have all told us how difficult their work is and how few of them are available at the moment. It's Friday and they have been working all week too. We're aware of all the technical difficulties at the moment. For these reasons, adding a third hour worries me.

However, Bill C-10 is important. Nothing is stopping us from adding more meetings, if the parliamentary secretary, the Liberals, the NDP and the Bloc wish to do so. We would be more than willing to extend the consultations by adding more meetings as neces-

sary. We then could hear from all the witnesses who need to speak to this bill, for as long as the committee wants.

[*English*]

The Chair: Thank you.

Ms. Julie Dabrusin: Mr. Chair, if I could—

The Chair: Just hold on one second, Ms. Dabrusin. I have two other people who wish to weigh in. You opened the floor.

Ms. McPherson and Mr. Champoux have about three minutes in this time allotted. That would give some time for Madam Dabrusin, if she wants to. Again, folks, I have to be strict about this. I've stopped the clock right now, but we have three minutes left in Ms. Dabrusin's time, so I would ask that you please be quick about this.

I'll start the clock again, Ms. McPherson.

Ms. Julie Dabrusin: Mr. Chair, may I please respond to the point raised by Monsieur Rayes?

The Chair: You'll get a chance after I hear the other two.

Ms. Heather McPherson: Mr. Chair, I just wonder, with the witnesses here, if it would be possible for us to have an extension of the meeting after our witnesses are completed—today or maybe even prior to the next meeting? I find it bad that we're having this conversation while we have witnesses, whom I'd like to talk more with.

[*Translation*]

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

Mr. Martin Champoux: Mr. Chair, I agree with Ms. McPherson. I find it a little inappropriate on our part, especially since this hour was scheduled to hear from the witnesses that the NDP and the Bloc had invited. You know that we have less time and fewer opportunities to hear from witnesses. I'm a little frustrated that this issue is being raised during this hour.

I propose, as Mr. Rayes did earlier, that we set aside some time to discuss this issue before the next meeting, which will be held after the break week. I don't feel it's appropriate to do so in the presence of the witnesses. I would very much like to hear from them about Bill C-10 while they are here with us.

[*English*]

The Chair: Madam Dabrusin, you have two minutes.

Ms. Julie Dabrusin: Mr. Chair, that's why I put this fully within my time. I'm not raising it within anyone else's time.

To the point raised by Monsieur Rayes, the extra hour is in fact the time that is open to us. From consultation with the committees as to when we can have extra time, as I understood it, a slot was possibly available to us for extra time on Fridays. That's why that spot was chosen.

You are absolutely correct to point out that we do not have the ability to slot meetings wherever we want, because of the challenges we are facing.

• (1440)

[*Translation*]

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

[*English*]

The Chair: Mr. Champoux, I hope this is a point of order. I will rule on it. Nevertheless, please proceed.

[*Translation*]

Mr. Martin Champoux: I will leave it up to you.

I feel we have gone over the time that Ms. Dabrusin was allotted for this discussion. We can either get that time back at the end of the meeting or move on to today's topic right away.

[*English*]

The Chair: Monsieur Champoux, let me just stop right there. There are a few seconds left in Ms. Dabrusin's time. I've granted her her six minutes to do this.

I've been asked by the clerk to suspend for a few moments. She wants to clarify something.

The meeting is suspended.

• (1440)

(Pause)

• (1440)

The Chair: We are returning.

We have a couple things to clarify at the end of this meeting. One is about the motion that Mr. Champoux proposed. If you wish to carry on that discussion, we can. I'll try to do it within the time frame of about five to 10 minutes past the scheduled end of the meeting.

In the meantime, it was Ms. Dabrusin's intent to use her time to discuss this issue. She has a few seconds left if she wishes to conclude. However, I did see Mr. Champoux wanted to talk now.

Mr. Champoux did you want to finish your point of order?

[*Translation*]

Mr. Martin Champoux: Mr. Chair, you stopped the timer for Ms. Dabrusin's time, but the meeting time kept running. I want to make sure we can make up for the time we lost in order to hear the witnesses we have invited today. It's simply a matter of respect for them, Mr. Chair.

[*English*]

The Chair: I truly appreciate your concern. Thank you very much. I am trying to be cognizant of the time as I juggle many things.

I'm going to return now to Ms. Dabrusin who has approximately 20 seconds left.

Ms. Julie Dabrusin: That's fine.

I just wanted to check in with the other parties to see if we can make extra time, because I know that witnesses want to appear and we need to be able to make that extra time for them.

Thank you.

[*Translation*]

The Chair: Mr. Champoux, you have the floor for six minutes, please.

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

My thanks to the witnesses for their patience. We apologize for the hold-up. These things do happen.

Ms. Prigent, in your opening remarks, you used a great analogy, a wonderful image, I thought: the shrinking mirror. I found that very interesting. Television and, in general, anything we watch, whatever the medium, certainly influences culture.

In a cultural context like Quebec's and in the Canadian franco-phonie in general, how dangerous is it when the mirror shrinks, in your opinion? What are the risks of not regulating all broadcasting strictly enough? Basically, I am asking you to elaborate on what you said.

Ms. Sophie Prigent: Yes, certainly.

I can tell you about French, because it's the medium that the Union des artistes operates in. Actually, UDA also has jurisdiction over all languages other than English across Canada; most people don't know that. I could also tell you about other languages that are in a little more danger.

As far as I'm concerned, the people on television must absolutely look like the people who watch it. In my opinion, we should not remove that concept from our legislation. On the contrary, it should be recognized. That's what I meant by looking into a mirror. I can't imagine what television will be like in the future if that concept is not front and centre in our legislation to a greater extent. I can sense the danger.

We're talking about an extremely captive, extremely curious viewer of French-language television. I can talk about original French-language content, because that's the content I know. People watch TV and listen to music in French. It's an extremely significant concept that transcends language and expression. The vibrancy it creates is much more collective. That's why I talked about the mirror, and about seeing ourselves, about togetherness, about identity. Currently, the idea of language is not in the legislation. That's extremely unfortunate, given Quebec's linguistic and geopolitical situation. There are very few francophones in the Americas. That's why I find it's a shame that the concept is left out of the legislation right now.

• (1445)

Mr. Martin Champoux: Thank you very much.

I have a question for Daniel Bernhard, from Friends of Canadian Broadcasting.

Mr. Bernhard, one concept is kind of like a huge bug that mere mortals, and I include myself, cannot begin to understand. I am talking about the algorithms that social media use. You know a bit more about them than I do.

Explain to me how significant algorithms are and what role they play in social media programming in general.

Furthermore, how can we make sure that social media don't play tricks on us with the design of their algorithms?

Mr. Daniel Bernhard: The act says a lot about broadcasters' responsibility for their decisions. In the future, however, most decisions will be made by algorithms, by machines. Discoverability is a good example. Human beings are no longer determining programming choices; machines are.

Companies that use these machines must take full responsibility for their decisions. They want to benefit from these decisions when it suits them, but they no longer want to be held responsible when the results are inconsistent or do not meet the established standards. That is unacceptable.

When you use algorithms, it is very important that you be fully responsible.

Mr. Martin Champoux: Companies that use their own algorithms should therefore be held responsible for them.

Shouldn't we have access to them? Are algorithms basically the company's private domain, their treasures that they do not want to share? That's what I gather. Nevertheless, would it be possible to require companies to be more transparent about these tools?

Mr. Daniel Bernhard: I hope so.

Companies may say that they are secrets of great value. However, I can't think of a single case where, after an inspection, the government would divulge a company's trade secrets, in the banking sector, for example. It is not a convincing excuse to me.

Mr. Martin Champoux: You believe that online broadcasters are fully capable of creating algorithms to promote regional content on their platforms, such as French-language content from a given region. It's entirely feasible for them.

Mr. Daniel Bernhard: Yes, exactly.

Companies also need to show us their code from time to time to prove that they are willing to follow the rules. The algorithms' results are not always perfect, but it is crucial that companies prove that they are well-intentioned.

The CRTC inspects the documentation of conventional broadcasters. We need to find a way to do the same thing for digital platforms.

Mr. Martin Champoux: Thank you very much.

[English]

The Chair: Thank you very much.

Ms. McPherson, go ahead for six minutes, please.

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

I would like to thank you, witnesses, for joining us today and sharing your expertise with us. I apologize that you have had to sit through some of our committee discussion.

I want to start with Mr. Bernhard from Friends of Canadian Broadcasting. You have done a very deep dive into Bill C-10. You

have done an awful lot of work around this. You've come today with 19 amendments.

Could you expand on two, three or maybe even four of those that you think are absolutely crucial for the success of this bill, please?

• (1450)

Mr. Daniel Bernhard: Thank you very much. I will speak to two of them, if I may.

In the first instance, I have to find myself agreeing with Professor Geist—which is a rare and, in this case, fortunate opportunity—that thresholds for the regulation of digital broadcasters really—

The Chair: Mr. Bernhard, I apologize for interrupting. I think you probably know why. We're having an issue with your audio as well now. The interpretation is having a hard time understanding. Something may have switched. I don't know if you want to do what you did prior, which was to unplug your headset and plug it back in again.

Mr. Daniel Bernhard: Sorry about that. The thing keeps cutting out. Can you hear me now?

The Chair: Yes. We have an thumbs-up from interpretation on that.

Mr. Daniel Bernhard: Thank you.

I have to agree with Professor Geist that thresholds are very important. The new law, according to the minister's comments, would force or compel companies like Netflix that have substantial operations in Canada to invest their fair share in the production of original Canadian content, but the law doesn't do that. The law clarifies that the CRTC has the option to impose these types of contributions, but it doesn't compel them to exercise that option, and as Professor Geist said, that's extremely problematic.

We would like the bill to clarify that once a digital broadcaster exceeds a certain threshold, whether that is by users or revenue appropriate to their unique business model, the regulation and obligation to contribute become mandatory, because as the law is currently written, the CRTC could continue doing exactly what it is doing today and still be in compliance with the law. We find that problematic.

The second point that I'll end on is about social media, which I mentioned earlier. The law has a categorical exception for social media sites, and this is hugely problematic. The idea that we should not force little Timmy, uploading videos from his bedroom, to have a broadcasting licence is, of course, one that we support, but Facebook and little Timmy are not on the same level. These companies should be responsible for the content they broadcast. They should be responsible for rules around political advertising, advertising standards, emergency alerts and all other measure of rules and regulations that are subject in the act.

I'll give you an example of why. Mr. Chan last week again said that Facebook takes a great measure to take down content that is illegal. He should tell that to Chris Trottier from Vancouver who opened his phone in March of 2019 to Facebook and saw 51 people being murdered in real time in New Zealand right in front of him. Mr. Chan says that Facebook doesn't choose what you see. You connect to it, and it's your choice. I promise you, Mr. Trottier did not ask to see that. It was pushed to him. It was promoted to him. That would be illegal for any other Canadian company to do, and Facebook should be no exception.

Ms. Heather McPherson: Thank you very much.

That's important. I think that making sure the CRTC is given that direction is vital.

The other thing I know you have commented on, that you've said Bill C-10 is silent on, is the CBC mandate. Could you speak a little about what you're asking us to consider or to update within Bill C-10 on CBC's mandate?

Mr. Daniel Bernhard: As a brief note of context, private media in Canada is falling off a cliff because successive governments have allowed their competitors, mostly Facebook and Google, to do things that would be illegal for the media to do. They don't pay taxes. They can broadcast illegal content. They don't pay for the content, and on and on. There is a huge crisis in Canadian media, and right now, the CBC is looking like it will be the only man standing, if things continue as they are.

The CBC, we believe, should have its mandate clarified to say that, first, it is fundamentally non-commercial. We have seen CBC management freelancing with increasingly desperate attempts to sell advertising. Tandem is the latest result of this. It's outrageous.

Second, we should say that there should be independence. There are accusations of bias against the CBC. I personally believe they are unsubstantiated, but even the perception is not helpful. Therefore, ending political appointments to the board and for the president is very important, and that can be done here.

Finally, we should mandate that CBC have local news coverage across the country. With all due respect to the people of Newfoundland and Labrador, there are more CBC bureaus in Newfoundland than there are in Alberta, and there are six times more people in Alberta. It's important that the CBC have a mandate to distribute its resources equally across the country, and we think there's a good opportunity to do that now, especially considering the growing importance of the CBC, given the decline of private media in so many parts of the country.

• (1455)

Ms. Heather McPherson: I couldn't agree more. Thank you so much.

Mr. Chair, I believe that's my time.

The Chair: Thank you so much. I'm going to have to call it a day at this point. We're running short on time, and we still have committee business to attend to.

I want to thank our guests. From Union des Artistes, Madame Prigent, Madame St-Onge and also Monsieur Laflamme, we thank you. I apologize for all the technical difficulties we had to go

through. Also, Daniel Bernhard from Friends of Canadian Broadcasting, thank you again.

Committee members, we need to go back to Monsieur Champoux's motion for some operational clarifications. A few things were said, but there were no amendments. I moved on to a vote, and perhaps that was premature. We need to seek some clarification on two matters. Before I do that, I need the unanimous consent to bring the motion back into play.

Do I see anybody who dissents? No.

Here's the situation. There are two things we need to clarify in Monsieur Champoux's motion. By the way, we will get to the situation that Ms. Dabrusin brought up earlier about scheduling in just a few moments. I need to deal with this first.

One issue, of course, has to do with the documents, "That all documents presented". If I'm understanding this correctly—and I'd like you to weigh in, those of you who talked about it before—we're talking about non-federal government documents that are being fed into the committee.

I turn to Mr. Champoux for his opinion on that. Is that what we are discussing here?

[Translation]

Mr. Martin Champoux: The departments translate the documents that they provide to us. This is the explanation that our clerk gave me, and it seems valid. However, we receive some documents that do not appear to have been translated as thoroughly as others. I imagine that all documents provided through the clerk to us for our work are revised. However, that is not necessarily the case for external documents, which may not be subject to the same quality standards.

I want to make sure that all external documents are revised, but I don't know how this can be formalized. In translation, there are embossed seals that confirm that the translation has been revised and certified. Regardless of the mechanism, I think that everything that is sent and presented to us should have been first revised and approved by the Translation Bureau, whose services the House uses.

[English]

The Chair: Mr. Housefather, go ahead.

[Translation]

Mr. Anthony Housefather: That is the clarification that I asked Mr. Champoux for earlier. The key word here is "first". We want it to be done before the documents are submitted to the committee. However, I believe that, earlier, Mr. Champoux said that we could receive documents, and that they could be revised later if mistakes are found.

I believe that the clerk decided to include the word "first" in the motion. However, I do not believe that the intent was to impose a deadline for getting the translated documents. So I would ask Mr. Champoux to look into that.

• (1500)

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

Mr. Martin Champoux: This is certainly a matter of interpretation, no pun intended. I believe that the motion seeks to ensure that all committee members can work with documents that are perfectly translated and that have exactly the same meaning and spirit in both English and French. To me, that's a no-brainer.

If you prefer that we take out the word “first” and replace it by “systematically” instead, for example, that's fine. However, I believe that the word “first” says it all. If urgent documents are sent to us at the last minute, and we haven't had time to have them revised, we can still talk about them, decide to use them as they are and make sure that they are revised and approved afterwards. I believe that these will be exceptions.

[*English*]

The Chair: I think so. That goes to the heart of the second matter, which would be the distribution. I was going to get to that later, but I think you may have just clarified that one because we do need precise language on how we distribute them to make it feasible in light of the time we have.

I want to go back to the first point again. You want the motion to read “all documents”, not just the non-federal government documents.

[*Translation*]

Mr. Martin Champoux: I assumed that internal documents were translated by the Translation Bureau anyway. I then assumed that “all documents” automatically includes external documents, since internal ones are already regularly translated and revised by the Translation Bureau.

[*English*]

The Chair: We need to get wording to that effect, Monsieur Champoux. That's what we're seeking—to clarify the first part.

Mr. Housefather.

Mr. Anthony Housefather: Mr. Chair, just so everybody understands.... I'm a bit confused again. Maybe I'm wrong, but Mr. Champoux said he believes the translation bureau translates all the documents that come from the ministries. Is that the case?

If it is not the case, then we need to clarify that because, first of all, everybody should get the documents in correct English and French. I'm in total agreement with that.

[*Translation*]

I fully agree that external documents submitted by third parties should be first revised by the translation service. I thought that this was the case, but it may not be in departments where translators work for the federal government, but are not part of the House of Commons translation service.

I think that we should accept these documents, and then the House of Commons translators can verify whether they were properly translated by the various departments. I may be wrong. I thought that the departments have translators other than those who work for the House of Commons.

[*English*]

The Chair: It is my understanding that, yes, it is all under one house. I don't mean the House of Commons. I mean it's all under one house as far as the translation is concerned.

This is why, Monsieur Champoux, I keep bringing it up, and I apologize.

You're talking about something that was not of good quality, which came from a department, that you took issue with and that went to the members of the committee. Since we have one shop that does the translation when it comes to all the documents, do you take issue with those documents as well as documents that we get coming in from the outside?

• (1505)

[*Translation*]

Mr. Martin Champoux: Yes, Mr. Chair, and it's about having confidence, plain and simple. An incident has happened. It was inconsequential, because the text was very short, but I'm not convinced that the documents sent to us from witnesses, for example, are revised. I'm not necessarily convinced that all documents that come to us from the departments are translated to the same quality.

Therefore, adding this requirement to our procedures seems perfectly logical to me. Besides, it's not only about ensuring the quality of the French, but also of the English translation. We protect ourselves by doing this. If it turns out that departments already use the same translation service as the House of Commons, that is, the Translation Bureau, so much the better. It won't have a significant impact, but there will always be a guarantee that the work will be done thoroughly.

I would also like to point out that the proposed wording came from our clerk and was read and approved by the chief clerk. We can argue back and forth, but I'm wondering about the concerns that we might have about that.

In my view, it protects us all and guarantees that we will have quality documents. It seems to me that everyone should appreciate that.

[*English*]

The Chair: Trust me; don't get the feeling that we're questioning the intent of it. It's just a question around a clarification that was brought up at the beginning of the meeting.

Monsieur Rayes.

[*Translation*]

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

I was glad to hear your response to Mr. Champoux. All of these questions are very relevant. No one is trying to slow down the process, but at the same time, we live in a country that has two official languages under the law. That means every document we receive should be of equal quality in both languages. In this country, francophones, those who work primarily in French, are the minority. Of course, if it were the other way around, it wouldn't even be an issue. I think we should find the resources to make it happen.

What Mr. Champoux is saying is perfectly clear. The documents can be internal or external. If they're internal and have not been translated by our translators, in whom I have the utmost confidence, the documents would need to be reviewed by them. If that was already being done, great. As for external documents, the idea is to make sure they have been well translated so that we can work effectively in both official languages. That is the least we can ask for. It's the law. This is a bilingual country. Our predecessors made that decision. We should be proud, and we should make sure the law is respected.

[*English*]

The Chair: We are, sir.

Since we are short on time, may I propose something?

Monsieur Champoux, may I work with you offline on the clarification of some of the things we've been talking about, and then we can come back and revisit this at our next meeting? I will allot time to do that. We may run into overtime, but trust me, as Mr. Rayes pointed out, if this were the other way around, how would it be handled? I have no idea, but I want to make sure that it's handled evenly across the board. That's why I'd like to take this under consideration, what you're saying, and we can clarify what we're talking about with this situation, especially when it comes to departmental versus House of Commons translation.

Monsieur Champoux, can I do that?

[*Translation*]

Mr. Martin Champoux: Mr. Chair, during the first half of the meeting, you asked whether anyone was opposed to the motion. Did you ask people to vote on the motion? I thought it had been adopted earlier.

[*English*]

The Chair: Yes, it was approved, but I asked for unanimous consent to bring it back, which I received. The reason I brought it back is not because I am questioning its intent. It is just that I had a few questions from the table here about some of the other issues that were brought up by Ms. Dabrusin, and I believe Mr. Housefather may have mentioned something as well.

I just want to get what I guess you would call an "operational" definition as to what you want. An operational clarification is what I was looking for. That's why I brought it back. In other words, I'm not trying to push this aside for its content. I'm just trying to make it right to make sure that the instruction is there so our table here—our clerk, in particular—knows what the instructions are.

I apologize and maybe that's my own fault, but there is some confusion here about this. I'm hoping to clarify that with you so that we can get this done right. At the next meeting, we can have this

discussion to see if we can vote to amend this, and if all are in agreement, we can vote on it then.

• (1510)

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I have to say I don't see what you would want to amend in the motion—a motion the clerk and chief clerk looked at, a motion all the committee members considered acceptable and quickly voted in favour of during the first hour.

Since you brought the motion back, I would ask that we proceed to the vote, please. I don't think we need to drag this on. As far as I'm concerned, it's a simple matter and the wording is clear as is.

It's up to you, but I would like to vote on the motion.

[*English*]

The Chair: Okay, so you're moving the motion as is once again.

Before I do that, though, I want go to....

Mr. Housefather, go ahead.

Mr. Anthony Housefather: I'm sorry, Mr. Chair.

Maybe I am confused also. I thought we adopted the motion and that Monsieur Champoux was being asked to clarify what exactly the intention was to see if there was anything in the motion that was different from the intention. I think now what I understand is that every document that was not translated by the House of Commons translation service before coming to the committee should go to the House of Commons translation service. If that's the case, okay, I just needed to understand that. I think we all needed to understand that.

[*Translation*]

I'm ready to vote on the motion if it needs amending, but I thought it had already been adopted.

[*English*]

The Chair: As a point of clarification, Mr. Housefather, that's not what it says. It says "all documents". What you just alluded to were all non-federal government documents. There is one institution to which the department sends off things for translation and to which someone from, say, this committee sends things off to translation as well. What you're voting on here now, what Mr. Champoux has put forward, is for all documents, including the governmental ones. What I heard earlier—and I'm sorry if I'm confusing the matter—was basically that the intent, what we all kind of agreed to, was that we would do this for non-federal government documents. That's why I brought it back to the committee. That's why I asked for unanimous consent to bring it back here.

Now I see I have two people speaking, but, Mr. Housefather, go ahead.

Mr. Anthony Housefather: I'm sorry, Mr. Chair. I think we're perhaps talking past each other. That was exactly the question that I asked before. Were there other federal translators hired by the federal government outside of the translation bureau who were doing translations? If that was the case, then there would be an issue, perhaps, because then you would have the work of one federal translator having to go and be checked by another federal translator.

What I understood from you was that there is only one group of federal translators, which means they're already translating the documents before we receive them, so then there is no issue. The only documents that need to now go are the ones that are external. That's my understanding from the clarifications offered, so I think the initial motion was fine.

The Chair: Before I answer that, Monsieur Champoux, go ahead.

[*Translation*]

Mr. Martin Champoux: I think Mr. Housefather answered your question, Mr. Chair. I'd like to rewind to when you asked for unanimous consent to bring the motion back.

I don't know whether we have the blues. When you asked the question, Mr. Chair, I may have looked up, but I don't recall giving my consent. I thought the motion had already been adopted. If I was mistaken, I apologize, but I would still like to proceed to the vote.

• (1515)

[*English*]

The Chair: The way that normally goes is that, as I mentioned, those of you who disagree should say so. If I ask for unanimous consent, I'm asking for those who don't agree.

I'm just going to ask Aimée one question here, which may give you some clarification. Could we suspend? It will be for less than a minute, I promise.

• (1515)

_____ (Pause) _____

• (1515)

The Chair: I'm just going to ask Aimée to explain what she explained to me earlier. Maybe I'm not phrasing this right.

Aimée, do you want to just tell them what you just told me? I'm going to refer this to the clerk now, so she can give her explanation as to why we're having some confusion over all documents coming in.

The Clerk: I apologize sincerely for belabouring the point. I hear what you're saying, and what I'm hearing, if I'm understanding correctly, is that you're not looking to have documents relooked at by the translation bureau. Have I understood that point? If they've come from the translation bureau, whether it's from me sending it or from the government sending the committee material, what I've understood is that you're not looking to have it reverified. That's what I've heard. Please correct me if I'm wrong.

Unfortunately, the wording as was adopted literally says that "all documents presented as part of the committee's work be edited and proofread". It's just that part there—"all documents". I am happy to do that. I am happy to send everything to the translation bureau for verification. There is a verification step. It's not retranslation; it's verification. I will do that. I will follow the committee's instructions to the letter. I just want to be clear.

The only concern I have about that is if, perhaps, 3,000 documents were requested and furnished by the department in both official languages, I, rather than distributing those documents to you, would then have to go to the translation bureau and have them verified, and then I would be able to distribute them to you. As long as that's understood, I'm happy to follow the instructions.

The Chair: Thank you, Aimée.

It's not like we're trying to steer in a certain direction, Mr. Champoux. There were concerns brought up that go to Aimée's point that we want to clarify.

Mr. Champoux, you have the floor.

[*Translation*]

Mr. Martin Champoux: I want to reassure the clerk and say that I certainly would not ask for documents that had been translated by the translation bureau to be sent back to the translation bureau.

To my mind, there's no point in even amending the motion because it's obvious. If you think, though, that an amendment is needed to clarify that documents translated by the translation bureau do not need to be sent back to the bureau for verification, you can go ahead. I think everyone understands that documents coming out of the bureau do not need to go back for review.

I hope that gives you some reassurance as to my intent.

• (1520)

[*English*]

The Chair: Mr. Housefather.

Mr. Anthony Housefather: Madam Clerk, perhaps you could give that clarification. My understanding is if they have now come from the ministers' offices, their original translation was done by the same translation bureau. If that's the case, the way the motion reads is that any documents must be edited and proofread first by the House of Commons linguistic services. If they're the ones that did the initial work, it was already done by them. It doesn't say it has to return to them a second time.

My belief is, based on what you and the chair have each said, the motion is absolutely clear. It's only those that were not originally translated by the translation bureau that should be sent.

If that's okay, Madam Clerk and Mr. Chair, I think we're good.

The Chair: If that's the will of the committee, then I have no... We're running really late.

Monsieur Champoux, do you want to go ahead with the original motion you wanted to present?

[*Translation*]

Mr. Martin Champoux: Yes.

[*English*]

The Chair: Just to add to what Mr. Housefather just said, the reason we did that was that we were getting different messages from the comments that we were getting, which steered us away from the wording of your motion. We now have some greater clarification of what your intent is, and if you want to move this motion, you most certainly can.

Did I see Mr. Aitchison with a comment?

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

As this goes on, I want to point out that Mr. Shields has lost his connection. I don't know if that changes anything for us, but part of me is jealous of his having lost his connection.

The Chair: Okay.

We were looking for operational clarification. The motion then stands. We can end it at that, if you still want to proceed with your same motion, as long as everybody is of the understanding that it's "all documents presented". As Mr. Housefather pointed out earlier, we all understand that they come from one place, whether departmental, House of Commons, so on and so forth.

Do you want to proceed with the same motion?

Then we're fine. We can just readopt it as is. It is so ordered.

I'm sorry for the confusion, folks.

In the few minutes we have left, I have a couple of things we could do here. We could meet offline to talk about extra hours or not, or we could bring it up at the next meeting. I could carve out some time to talk about that if you so wish. I'm looking for some input on that.

Mr. Scott Aitchison: Can we bring it up at the beginning of the next meeting, please?

The Chair: I thought you might bring that up.

Mr. Rayes.

[*Translation*]

Mr. Alain Rayes: I move that we discuss it in camera at the beginning of the next meeting. It's Friday, and everyone is tired. We've all worked hard this week, and we're already over on time.

[*English*]

The Chair: All right. I will carve out some time, and we'll talk about whether or not we're going to do that.

In the meantime, have a great week. As you know, next week is a constituency week, and of course Monday is a holiday. We'll see you two Fridays from now.

Thanks, everyone.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>