



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

43rd PARLIAMENT, 2nd SESSION

Standing Committee on Canadian Heritage

EVIDENCE

NUMBER 016

Monday, February 22, 2021

Chair: Mr. Scott Simms



Standing Committee on Canadian Heritage

Monday, February 22, 2021

• (1100)

[*English*]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): Welcome back everyone to our ongoing study of Bill C-10.

Just by way of a quick announcement, if anyone encounters an issue with simultaneous interpretation, please flag it immediately to the chair. If you cannot listen to the conversation in the language of your choice, either English or French, please let us know by waving as soon as you can so that way we can fix it as soon as possible. Keep in mind that we have to have interpretation in order to proceed.

Speaking of which, we have everybody online with the exception of Mr. Rayes. Right now we're having some technical difficulties with his connection. We'll get to that a little bit later. We're working with IT at the moment.

In the meantime, I want to welcome our guests today. From the Canadian Association of Black Journalists, we have Nadia Stewart, journalist and executive director. From the Canadian Media Producers Association, we have Reynolds Mastin, president and CEO; Erin Haskett, president and executive producer for Lark Productions; and Damon D'Oliveira, partner with Conquering Lion Pictures Incorporated. In our third group, from the Racial Equity Media Collective, we have Sherien Barsoum, co-founder, and Amar Wala, director and producer.

Guests, we give each of you five minutes to do your presentation. I'll let you hand it back and forth if you wish, but we're going to start with five minutes for Madam Nadia Stewart, Canadian Association of Black Journalists.

Ms. Stewart, please.

Ms. Nadia Stewart (Journalist and Executive Director, Canadian Association of Black Journalists): Thank you very much, Mr. Simms.

On January 28, 2020, the Canadian Association of Black Journalists issued a call to action. Joining forces with Canadian Journalists of Colour, we released a document outlining seven steps this industry must take in order to improve—

The Chair: Ms. Stewart, I apologize for interrupting.

I forgot to remind everyone that if you're not using a headset that is directly to your mouth, like the normal headset, if you're only using the typical Apple.... Do you have an actual mike? We need to get you closer to the microphone, Ms. Stewart.

For others who are using the typical Apple headset, please lift your microphone closer to the mouth so that interpretation can hear you fully.

You have my apologies for the interruption, Ms. Stewart, please go ahead again.

Ms. Nadia Stewart: As we mentioned then, there has not been research on Canadian newsroom demographics since the mid-2000s. This should serve as a testament to how much this industry has been held accountable when it comes to racial equity. The only statistics I can point to today are from a decade ago, and they're abysmal. Among news managers of media outlets in the greater Toronto area, researchers from Ryerson University found only 4.8% of media leaders identified as visible minorities.

Racialized journalists were also under-represented among columnists, photographers, hosts and even experts. This is the same problem that has existed since the Canadian Association of Black Journalists, CABJ for short, was first founded in 1996. One of the organization's founding members, Hamlin Grange, said, "The sad fact is that though our skin colour makes us highly visible among journalists, we are all but invisible in Canadian newsrooms." What was true then is still true today.

After the calls to action were released last January, the response we received came largely from other journalists and independent digital start-ups, the kinds of forward-thinking media companies advancing the conversation around diversity, equity and inclusion in media, but from establishment media—CBC, Corus Entertainment, CTV and others—there was no response, not one. There was nothing from the major players in print journalism either. In fact, we would not hear anything from the mainstream media until June 2020. That is when suddenly the industry woke up, unable to continue ignoring anti-Black racism in the wake of George Floyd's murder. Suddenly our organization was engaged in conversations with media companies across the industry about what change really looks like.

In case you missed it, Black journalists have been speaking for decades, sharing the painful truths of what life has been like for them in this industry, the covert and overt racism, the mountain of microaggressions and the unacceptable use of the N-word in newsrooms by their own co-workers. Even though these stories have surfaced, even though our organization and others are speaking, there remains a deep concern that, unless more meaningful measures are taken, nothing will truly change. This is an industry with a long history of lip service but little oversight to hold it accountable. What is desperately needed here is accountability, which brings us to our thoughts about Bill C-10.

We note that there is amended language calling for updated policies within the Broadcasting Act that ensure the system serves the needs and interests of all Canadians, including Canadians from racialized communities and Canadians of diverse ethnocultural backgrounds. Our concern is that this language won't change anything, because the language does not explicitly protect Black content or Black content creators. Furthermore, it does not appear as though there are any clear consequences for broadcasters and media companies who do not create or make available programming to Black Canadians. We feel there is a need for more specificity.

This is extremely important. How and why should Black Canadians trust that a body—that's the CRTC—which does not truly reflect all of Canada, will hold accountable companies who fail to do the same?

We are willing to engage with members of this committee and the CRTC to talk about what could be effective.

Here are some examples for you: This might look like policies ensuring Black-owned media outlets are supported and protected in the midst of a changing industry. Additional financial contributions to the Canadian broadcasting system could also be used to support Black media entrepreneurs through new or existing programs. It could mean policies upheld by the CRTC clearly incorporating criteria and consequences related to diversity in issuing and renewing licences. Finally, it could mean a commitment to ensuring licensees have equitable representation in positions of leadership, a commitment that goes beyond gender parity to racial parity, something even this country's political parties have failed to achieve.

According to Statistics Canada, this country's Black population has doubled in size from just over half a million in 1996 to nearly 1.2 million in 2016. It is high time that growth be truly reflected in Canadian media.

The CABJ is doing its part in spite of the deep systemic barriers that still exist in this industry and in this country. Imagine what could be possible if those barriers were removed and replaced with an equitable, accessible system that did not limit the potential of Black journalists and content creators? Our hope is that Bill C-10 is a step in that direction.

Thank you.

• (1105)

The Chair: Thank you, Ms. Stewart.

As a quick point of clarification, if I may, you mentioned the population doubled from 1996 to 2016. Is that a national figure?

Ms. Nadia Stewart: Yes, this is data from Statistics Canada, which they released in 2018, I believe. The population doubled from just around 500,000 or so in 1996 to nearly 1.2 million.

The Chair: Is that for the whole country?

Ms. Nadia Stewart: That's right.

The Chair: That's interesting.

Now we go to the Canadian Media Producers Association. We have three guests.

Ms. Haskett, please proceed for five minutes.

Ms. Erin Haskett (President and Executive Producer, Lark Productions, Canadian Media Producers Association): Hello, Mr. Chair, and committee members.

My name is Erin Haskett. I'm the chair of the Canadian Media Producers Association and president of Lark Productions. Lark is a Vancouver-based production company behind such shows as *Fortunate Son*, *Family Law* and *Motive*.

With me today is Damon D'Oliveira. Damon is the vice-chair of the CMPA board of directors and co-founder of Conquering Lion Pictures, which produced the mini-series *Book of Negroes*. I'm also joined by Reynolds Mastin, president and CEO of the CMPA.

I want to thank you for inviting us to appear today to contribute to this committee's study of Bill C-10, and especially to thank all members of the committee for the spirit of constructive collaboration that you have brought to the study of this bill.

The CMPA supports the passage of Bill C-10, but we are here to talk about two changes that should be made to ensure a strong and vibrant industry for Canadian content: one, empowering the CRTC to ensure fair deals between streaming services or broadcasters with independent producers through codes of practice; and two, ensuring that Canadians continue to own Canadian content.

The CMPA represents hundreds of Canadian independent production companies engaged in the development, production and distribution of English-language content for the screen.

Have a favourite Canadian TV show? Our members likely produced it.

We work on behalf of those members to ensure a bright future for Canada's media production sector.

• (1110)

Mr. Damon D'Oliveira (Partner, Conquering Lion Pictures Inc., Canadian Media Producers Association): That future will, in no small part, be determined by the fate of Bill C-10, and the tools it would confer on the CRTC to regulate foreign web giants.

The Internet has fundamentally transformed the way in which content reaches Canadian audiences, and streaming services have revolutionized the way in which film and TV content is shared. However, in the process, the control and benefits associated with that content, the content produced by our members, has shifted. Global streaming platforms are not just aggregating unprecedented catalogues of content, they're amassing enormous control, leverage, economic power and cultural influence.

The fuel that drives the growth and success of the media production sector is intellectual property, or IP for short. Intellectual properties are the ideas, the characters, the voices and ultimately the stories that anchor film and television content. IP is also the leverage that producers have, when negotiating with those who can connect the producers' content to audiences.

For a producer, it takes significant vision, financial investment and a time commitment, usually measured in years, to develop a concept into a viable piece of IP. This is a risk that producers willingly take on. It is our job.

Mr. Reynolds Mastin (President and Chief Executive Officer, Canadian Media Producers Association): However, as the Internet altered how audiences access content, streaming services have become some of the most influential corporations on the planet.

As buyers of our members' content, this has given them an outsized advantage in negotiations. A "successful streaming deal" for producers today means they get a payment up front, they surrender global IP rights and, if they're lucky, they become an employee on their own show, while forgoing future revenues that would arise if the show becomes a hit, or if it is replicated in other markets.

The result is a vacuuming sound that is getting louder by the day. The sound of Canadian IP and the revenues it generates being sucked out of Canada by foreign web giants.

What is the solution? It's codes of practice. Essentially, codes of practice, or as they are commonly referred to "terms of trade", are template structures for negotiations. You can think of codes of practice as agreed-upon rules of the road, a set of baseline conditions under which future individual negotiations can take place in good faith.

Codes of practice would enable Canada's independent producers to negotiate deals where they are able to hold on to at least some of the IP rights in a project they have developed, and in doing so, have the potential for a reliable source of revenue that can be used to invest in future projects, develop a slate of new Canadian shows and ultimately build strong Canadian companies.

To further underscore the importance of Canadian IP, we are also requesting that ownership of Canadian programs by Canadians be included as a policy objective of the Broadcasting Act.

In closing, we applaud the government for the introduction of Bill C-10, and we believe it is a key milestone for Canada's digital economy.

I look forward to answering your questions, along with my colleagues, two prominent independent producers who can provide real-world perspectives on these very important issues.

The Chair: Thank you very much for that.

Ms. Barsoum and Mr. Wala, good to see you again. They are from the Racial Equity Media Collective.

Ms. Barsoum, go ahead please.

Ms. Sherien Barsoum (Co-Founder, Racial Equity Media Collective): Thank you, Mr. Simms.

Thank you, members of the committee.

My name is Sherien Barsoum and I am a producer and board member of the Racial Equity Media Collective, also known as the REMC. I am sharing my time with fellow board member and producer Amar Wala.

We are grateful to have been invited to speak to this committee and to give voice to the needs and concerns of Black, indigenous and people of colour creators with respect to the Broadcasting Act proposed amendments.

We present a recommendation today on behalf of more than 60 organizations in the screen and music sectors, including the Black Screen Office, Indigenous Screen Office and the Alliance for Equity in the Music Industry.

Mr. Amar Wala (Co-Founder and Producer, Racial Equity Media Collective): The REMC is pleased with many of the proposed changes introduced in Bill C-10, in particular, that the act names racialized communities in several instances. Highlighting their voices must be reflected in our broadcast landscape. We must point out, however, that while these words are welcome, similar language has existed in the Broadcasting Act for over 30 years.

The act has included the clear objective of supporting "the multi-cultural and multiracial nature of Canadian society". This language, while powerful, has been insufficient and has led to little measurable change. The REMC believes that the current language in the new bill, while improved, must go further.

If the bill's stated equity goals are to be successful, they must be measurable, monitored and enforceable. Otherwise, history will repeat itself.

We understand that the bill is tackling huge issues facing our industry, but anti-racism cannot take a back seat. It must remain a primary focus.

The REMC offers the following three key recommendations that we believe will move the act and Governor in Council directives from aspirational to accountable.

• (1115)

Ms. Sherien Barsoum: First, we request the mandatory collection of race-based data by broadcasters and funders. Over the last year the REMC has consulted with every major Canadian funder and broadcaster to ask who received funding, who is commissioned and who owns the IP of production. The answer across the board has been “we don't know”. Currently there is no way of knowing for certain how bad the situation is or how much progress we're making. The only way to know is through the mandatory tracking of race-based data.

The good news is that industry leaders like the Canada Media Fund and Telefilm have already recognized how urgent this need is and have started to lay the groundwork to collect and report race-based data. Now we need the entire ecosystem of our sector to do the same and to continue doing it long after the current industry leadership moves on.

Mr. Amar Wala: Second, we ask that the bill clearly prioritize racialized communities in its programming objectives. To truly meet the bill's equity objectives, funders and broadcasters must be compelled to invest in content produced and owned by racialized creators.

We are thrilled that the bill, in proposed subparagraph 3(1)(d) (iii.1) of the current proposed amendments, prioritizes indigenous programming and languages as well as programming that is accessible to Canadians with disabilities. We would like to see the section amended so that it also prioritizes programming that reflects the lived experiences and cultures of racialized communities.

The Governor in Council directives to the CRTC should include directions that outline clear targets and incentives that are linked to a condition of licence. The specific requirements of these benchmarks must be developed through meaningful consultation with BIPOC communities.

Ms. Sherien Barsoum: Finally, we are calling for equity oversight through the appointment of senior equity officers both at the CRTC and at the Department of Canadian Heritage.

The REMC knows well the power of data, but we also know that data is only a tool. In order for that data to truly make a difference, we need senior officers to ensure that the equity objectives of the bill are being met. They will ensure equitable representation within the industry's entire ecosystem. They will monitor and implement policy changes. They will make sure the community is properly consulted and that data is well interpreted and safely managed.

Mr. Amar Wala: For years our communities have felt under-represented within the Canadian broadcast landscape. For decades our stories and attempts to address the issue of systemic racism in the industry have been met with skepticism and outright denial.

BIPOC creators continue to be underfunded, and BIPOC audiences continue to be undervalued. This is a chance for us to heal these wounds.

Bill C-10 is a generational opportunity. We believe the measures we propose will provide lasting and meaningful change for BIPOC creators in Canada's music, TV, film and digital sectors and ensure that we do not lose another generation of storytellers.

More important, with investment in BIPOC creators, the landscape of Canadian media will flourish, enriched with content that equitably reflects this country.

Thank you very much for your time.

The Chair: Thank you very much, everyone. That's great.

As a quick reminder to our guests, if you're using the microphone on the cord, please hold it close to your mouth.

Ms. Stewart, if I could get you to get a little closer to your microphone, that would be great. We've had a few audio issues—nothing serious—but if you could get closer to the mike, that would be great.

Now we will go to our questions. Again, because we are all primarily in this virtual world, to help us along, I would ask that my colleagues, the MPs, please name the person they're directing their questions to.

To start, we have Mr. Waugh from the Conservatives.

Go ahead.

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

Welcome, all three groups, to Canadian Heritage today.

To Racial Equity Media, you talked a lot about monitoring, and I have an issue with.... I mean, I don't have an issue with monitoring. I just want to know who you think should monitor and how that would look. I'm a little confused about that.

Thank you; you gave us your three major suggestions here. However, the CRTC, in my view, today seems to be overwhelmed. With your proposal to monitor race-based data now, I want to know who your group would put forward as a recommendation to monitor this in broadcasting in this country.

• (1120)

Ms. Sherien Barsoum: I'm happy to answer that. Thank you for your question.

We believe that the industry needs to be tasked with that monitoring, so that needs to happen at the CRTC level, even if they are burdened with many other tasks. We believe that to be so, because as we mentioned, for the last 30 years or so, equity has been part of the Broadcasting Act. It has been the mandate of this country, but it hasn't happened.

In order for us to be able to see some kind of progress and change, someone needs to monitor it, and it needs to happen at the highest levels of authority. It needs to happen at the CRTC level and at the Canadian Heritage level, which is why we're proposing the office of senior equity officers.

Mr. Kevin Waugh: What would that look like?

Ms. Sherien Barsoum: It would look like senior staff who sit at the highest levels of power making sure that all the major funders, such as Telefilm and the Canada Media Fund and all of the broadcasters, are actually commissioning content, broadcasting content, exhibiting content and hiring representatives from the BIPOC community within their ranks. They would be tracking it using the race-based data that some of the organizations have already started to think about starting to implement.

Mr. Kevin Waugh: That's a big undertaking.

Mr. Amar Wala: If I may jump in here, it is a huge undertaking, and frankly, the responsibility to create these roles and solve these problems cannot fall back on racialized communities. This is a problem that the industry has to solve. This is a problem that the industry has been ignoring for far too long. We've heard the stories about the CRTC and other organizations being overwhelmed for far too long, frankly. This cannot take a backseat to other priorities.

With our industry, because so much of what we do is funded by the Canadian taxpayer, we do a tremendous amount of tracking of things already. We track where money is being spent. We ensure that it's not being spent on foreign producers or foreign crew, for example. We do a tremendous amount of monitoring as it is.

This is definitely doable, if the will to do this is really there. It is a problem that the community can consult on, but this is not a problem that the community can solve. The industry must figure out how to solve this issue. We are very ready to work with them to make sure that the process goes well and to ensure that community consultation is a priority in solving those issues.

It's not going to be a one-time fix. This is going to be an organic process that takes many years and, frankly, we're going to screw up a little bit and have to fix those problems over time. The most important thing is that we engage in that process and that everybody agrees this is important and that we're ready to begin that work.

Mr. Kevin Waugh: Thank you.

I'm going to move on to the Canadian Media Producers Association.

I have heard from various groups in this country that intellectual property is the hill to die on. You invest so much money into your product, and then when it does get accepted by the Internet giants, you have no say in it. That seems a little odd. You did touch quite a bit in your proposal to us today on Canadian Heritage....

How may we correct this in the broadcast bill? You put the money out front, you do all the work behind the scenes, hoping someone is going to pick up your product, and when they do, they essentially become the owners of the product and you're the employees. That seems a little far-fetched to me, and it is a concern in this bill.

Could one of you talk about that?

Mr. Reynolds Mastin: I'm going to turn it over to Damon to give a concrete example of what happens when a producer is able to meaningfully hold on to their IP, but first, just to speak to the specific solution we're proposing, what we would propose is an amendment to Bill C-10 that would empower the CRTC to require codes of practice between independent producers on the one hand and foreign streaming services and Canadian broadcasters on the other hand.

We do not prescribe anything in this proposed amendment in terms of what those codes of practice would look like. We believe that's best worked out by the industry players themselves, with the CRTC being the final authority to make sure that this actually happens.

Damon, can you speak a bit about the power, essentially, of driving growth for your company and the industry when you're able to hold onto your IP?

• (1125)

Mr. Damon D'Oliveira: Yes, absolutely. Thank you for your question.

I can speak to a recent production of mine, *The Book of Negroes*, which is based on a wonderful piece of IP, the novel written by Lawrence Hill, and which my company was able to option in 2009. We proceeded to make it into a television miniseries for the CBC. It went to air in 2015 as a six-part miniseries.

We retained control of that. We were able to sell American rights to BET, the Black Entertainment Television network. We made this as an international co-production with South African partners and we controlled the IP along the way, as the underlying holders of the rights to the book—

The Chair: Thank you, Mr. D'Oliveira. I'm sorry. I have to cut it right there. We're past time for the individual question. You can probably work that in a bit later during the testimony.

[Translation]

Mrs. Bessette, you have the floor for six minutes.

Mrs. Lyne Bessette (Brome—Missisquoi, Lib.): Thank you, Mr. Chair.

My thanks to all the witnesses for joining us today.

My first question is for the representatives from the Canadian Media Producers Association (CMPA).

Bill C-10 seeks to somewhat level the playing field between the major content distribution companies and our independent Canadian producers.

Ms. Haskett and gentlemen, can you tell us more about the reality and challenges of the small producers you represent?

[English]

Mr. Reynolds Mastin: Thank you very much for the question.

In the typical negotiation, particularly those that our smaller members encounter when they're negotiating with a streamer or a broadcaster, they are increasingly expected to essentially hand over all the rights to that piece of IP they have developed with Canadian creators and to the associated revenues. In certain cases, they're even asked to make an "organ donation", to quote a former head of the AQPM, just to underscore the point.

What that essentially means is that over time it reduces our entire sector into a purely service-based industry, where essentially we're a branch plant of Hollywood, which of course is exactly why we have the Canadian Broadcasting Act and Canadian cultural policy—to prevent that from taking place.

Not only do we need to ensure we have rules that ensure reinvestment by the foreign streaming services into the Canadian industry, but we also have to make sure that the investment is fully leveraged so that producers are then able to hold on to some of their IP and the revenues associated with that and to reinvest those revenues in developing new great Canadian shows with Canadian creators. It's that virtuous cycle that we're trying to achieve through this proposed amendment of codes of practice.

Erin, could you speak a bit to this as well, please, just in terms of the importance of having the ability to have those revenues to invest in future projects?

Ms. Erin Haskett: Thanks, Reynolds.

With regard to this, especially for the smaller companies or the start-up companies that are just emerging in our industry, owning the IP is crucial to being able to build infrastructure and a development slate, and invest in future projects and new talent.

For us, we had a series early in the inception of our company, called *Motive*, which was a CTV series that was internationally financed by NBC International and aired on ABC. Because of the regulation at the time, we had control of the IP. It allowed us, through distribution revenues, to reinvest in our slate and has I think put us in a really favourable position to be able to succeed in this premium content world, especially as the streamers are coming into Canada.

● (1130)

[Translation]

Mrs. Lyne Bessette: Thank you.

My next question is for the representatives from the Racial Equity Media Collective.

Ms. Barsoum, Mr. Wala, I applaud the important work you are doing to strengthen the voices that have long been underrepresented in our media.

Can you briefly tell us about your work and the sorts of projects you help to promote?

[English]

Mr. Amar Wala: I can start the answer and, Sherien, please free free to add on.

The REMC came together as a group of working filmmakers and producers who, frankly, felt that the lip service we were getting from the industry around racial equity was not matching up with our lived experience as creators and not matching up with the lived experience of our communities.

We really felt that the only way to bridge that disconnect was through the use of data in order to really get a sense of where we stand as an industry when it comes to the production of BIPOC-owned content, and also the hiring and labour of BIPOC crew members.

A lot of our projects and a lot of our focus really is on using data to fill in these gaps, to identify where those gaps are and to suggest policy changes, because we're really not in a position to make those changes ourselves but need to work with the industry in order to fill in those holes. One of our first projects, for example, is a road map on what the collection of data in the industry looks like right now.

I should say that currently data is collected. It's just collected in a, frankly, very haphazard and sloppy way. It's collected in a very oftentimes dangerous way in that producers are often signing on as to whether their crew members and whether their hires are underrepresented or not. People are not self-identifying. These are major issues.

As creators, what happens is I, for example, as a director am constantly self-identifying as a racialized person on every production I work on for broadcasters, but I don't know where that data goes and I don't know how it's used at the end of the year to really help me and help my community grow.

As I said, our primary objective right now is to really get a scope of data collection, figure out what the problems are and then help the industry create a unified method of tracking race-based data when it comes to funding. Our position is really simple. As Canadians, we have just as much of a right to access this funding as any other community. Unless we know which communities are truly falling behind, we can't create specific programs to support those specific communities.

Mrs. Lyne Bessette: Thank you.

I have another quick question if I can, Mr. Chair.

The Chair: Go ahead very quickly, madam.

[Translation]

Mrs. Lyne Bessette: How can the federal government support your work and fight racism, which still exists in our media industry?

[English]

Ms. Sherien Barsoum: Thank you. It's a great question.

I think the best way to do it is to support the three asks we have just asked for, and I believe the groundwork for these asks is already starting to take place in the amendments that are proposed in the bill, in the fact that the bill starts to recognize racialized communities. We just need it to go further.

The mandatory collection of race-based data will equip the entire industry to see what the problems are and to also monitor how much progress we're making, so when we're back here again, hopefully not 30 years in the future, we can say with confidence these are the very specific steps and this is the progress we have made as a nation.

The Chair: Thank you, Ms. Barsoum.

Mrs. Lyne Bessette: Thank you.

The Chair: As a reminder, don't forget about our microphones. Thank you.

Now we go to Monsieur Champoux for six minutes, please.

[Translation]

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

My thanks to our witnesses for appearing today. Once again, our guests' testimony is enriching and extremely important for us as we consider this bill.

I would like to direct my first question to Ms. Stewart from the Canadian Association of Black Journalists.

Ms. Stewart, you talked about the intimidation that some journalists of colour experience in newsrooms. I found that very interesting because I worked in the media industry, particularly in radio, for four decades. I'm sort of competing with my colleague Mr. Waugh for seniority.

At the beginning of my career, it was actually quite rare to have black colleagues. Even the accents, any accent, of hosts and journalists grated on some people. Of course, there has been a lot of progress on that front. I'm surprised to learn that even today people in newsrooms may still be bullied based on colour.

I would like to know whether there have been any complaints about those incidents. Is there a mechanism in place for those being bullied? If so, how have the complaints been received and handled? Have recommendations been put in place in the workplaces where the incidents occurred? If not, I think it would be very important to do so.

Could you comment on that?

• (1135)

[English]

Ms. Nadia Stewart: Thanks so much for the question.

This year and in years past, we have heard Black journalists share the stories of what they have experienced in the newsroom. Within the context of our work at the CABJ, we have been hearing from Black journalists whose stories were either buried, ignored or even, in some cases, denied.

Was there a mechanism by which they could file complaints? In some cases there was and in some cases there wasn't, but at the end of the day, the complaints didn't amount to change. Any concerns that surfaced, based on what we are hearing from Black journalists, did not amount to the kind of change that they wanted to see, which was a decrease in the kind of racism that they were encountering in their newsrooms or within the media companies that they worked for.

I will acknowledge that since June and the conversations we have been having with media companies, we have started to see the beginnings of change. I would say that there is a still quite a long way to go.

[Translation]

Mr. Martin Champoux: I wonder whether you are seeing only the tip of the iceberg. I would imagine that victims of intimidation or discrimination may be reluctant to file a complaint or to follow up, for fear of being subjected to further such behaviour as a result of their complaint.

In a regulatory proposal such as Bill C-10, do you think it would be appropriate to add mechanisms to ensure that such complaints are addressed?

It is not just a matter of asking that the legislation ensure representativeness; it must also include an obligation to set up mechanisms that address unfairness, intimidation and discrimination once and for all.

[English]

Ms. Nadia Stewart: We would definitely welcome any kind of stronger language that would ensure that if some incident of racism in the newsroom surfaces, Black journalists have some kind of assurance that it would be dealt with in a way that's a lot more meaningful than how it has been dealt with in the past.

[Translation]

Mr. Martin Champoux: Thank you very much.

I have a question for the CMPA representatives.

Ms. Haskett, gentlemen, you talked about the issue of Canadian content, and your requests are very similar to those of the Association québécoise de la production médiatique (AQPM), whose representatives appeared before the committee a few weeks ago. You are asking for more original Canadian content. The AQPM is also asking for more original Canadian content in French.

More content also means a greater need for broadcast space. Are you talking to broadcasters about the space they may have to provide if producers are given additional production tools to create more original Canadian content?

What is the general reaction of traditional broadcasters when you tell them that you will be producing more content and that you will be needing more space?

[*English*]

Mr. Reynolds Mastin: Thank you very much for the question.

We have conversations all the time with our broadcaster partners at both the association level and the producer level. We know that broadcasters are certainly coming before you in certain cases and talking about the need to reduce their regulatory obligations. We obviously have concerns about that, especially because their current obligations are actually quite flexible, even under the current system.

For example, the major vehicle for contribution by broadcasters through CRTC regulation is expenditure requirements. Those expenditure requirements are determined as a percentage of their annual revenues. When their revenues go down, for example—let's say as a result of COVID—the amount of investment they make in the entire system correspondingly goes down. We believe that provides a great deal of flexibility in the system already.

Of course, they appear in front of the CRTC every few years to have their licences renewed. At that time, we and they put arguments and evidence in front of the CRTC to determine what the appropriate obligations are for the next few years. The broadcasters already have those opportunities.

• (1140)

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

[*Translation*]

Ms. McPherson, you have the floor for six minutes.

[*English*]

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

Thank you to all of our witnesses for being here today and sharing this very important conversation with us as we look at Bill C-10.

I will start, if I may, with Ms. Stewart. I want to dig in a little bit about why it is so important that we address the failure to gather race-based data, and why it's so important that these voices of BIPOC people are elevated, and why this bill has an important role to play.

I'm from Edmonton Strathcona, one of the ridings in Edmonton that actually has the very sad story of having many racial incidents over the past several months, with many of them against Black Muslim women.

Could you talk a little about what it would mean to have more Black journalists telling stories? Had more of the content creators been from the BIPOC community, how would that help in terms of combatting some of the increases in racism and white supremacy that we are seeing in our communities, in Edmonton Strathcona, in particular?

Ms. Nadia Stewart: Thanks for the question.

I will just start by saying it is sometimes a bit frustrating to still have to justify the need for more racial equity in this industry. It is frustrating for us to still have to be talking about why newsrooms and this industry overall needs to be more representative of the country's population. At this point, in 2021, if it isn't already obvious why this industry should be reflecting the population and even its audience, then honestly I don't really know what to say.

Ms. Heather McPherson: Absolutely.

Ms. Nadia Stewart: What I will say is that we encounter a lot of young, Black journalists in the work that we do. Our concern is that with what they encounter as they enter the industry, or the barriers they face that keep them from getting into the industry, they're just not going to want to enter journalism at all. This is a problem for us because we know that we need more Black journalists.

It's one of the reasons that the CABJ media started a boot camp. We have a program where we train and equip Black journalists to launch their own digital media start-ups because there are so many who are frustrated with the situation in the industry and have decided that they could best serve their community if they skip the newsroom altogether and built a platform to speak directly to this underserved audience.

Ms. Heather McPherson: We are seeing that even just local media in itself is not able to have a voice. We're losing our local media, particularly when we look at a disadvantaged group of journalists who are already in that situation.

I'm going to ask the Racial Equity Media Collective a question now. When Bill C-10 was being developed there was very little consultation with the BIPOC community organizations in music, film and TV. They weren't consulted in the research and the drafting of the bill.

Can you talk a little bit about how and why community consultations are a key portion of moving forward on racial equity? I'll pass that to Ms. Barsoum.

Ms. Sherien Barsoum: Thank you so much for the question.

That's actually a wonderful question and we're really glad to be sitting here today at the table with you. We wish we could have been at the table months and months ago.

The answer to your question is that without community consultation, decisions will be made that don't adequately reflect the needs, priorities and the challenges of the communities that this bill and this committee is hoping to serve. If you don't have those voices at the table, you just are not going to be able to meet them.

I would go further to say that the industry as a whole.... I think we're going to believe in the goodwill of this government and the goodwill of this committee, and the goodwill of folks who really have seen what's happened over the number of years and want to see change in this country. Unfortunately, goodwill isn't enough. Good intentions aren't enough and the industry really does need to be compelled to make these changes whether it's through benchmarks, targets, incentives or whatever the mechanisms are. We still have a way to go with gender parity. We need to do the same thing when it comes to racial equity.

The community needs to continue to be consulted so that when the decisions are made to create these mechanisms and compulsion for change, they're done with the right voices in mind.

● (1145)

Ms. Heather McPherson: I have one last question for you, if you wouldn't mind.

In terms of the recommendation that you have to have the equity oversight through senior staffing within both Canadian Heritage and the CRTC, why is it so important that there be someone at both Canadian Heritage and the CRTC?

Mr. Amar Wala: I can start by backing up a little bit. As Ms. Stewart pointed out, the last year has looked very different in terms of the industry's approach to our community. Something shifted after the George Floyd incident. Of course, we can all sort of wonder what that was, but there was a time before this where these needs and this type of consultation we're after were really kind of ignored. A lot of the shifts you're seeing only happened in the last year.

With the CRTC and the Broadcasting Act specifically, there are files outside of broadcasting that would not be touched if the officer was just placed within the CRTC. We want to see changes across all of Canadian Heritage's files. Institutions like Telefilm Canada, for example, may not actually connect with broadcasters because our feature film system is slightly different from our broadcast television system.

The Chair: Thank you, Mr. Wala, and thank you, Ms. McPherson.

We have time for round two. I only like to do that when I can include all four parties. I'm going to be very strict on time, however. I don't mean to be rude.

We're going to start with Mr. Shields from the Conservatives for five minutes, please.

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

Quickly, this is for the Canadian Media Producers Association. I may be the only one in my family who has cable anymore. My adult children and adult grandchildren don't. On Bill C-10, you talk about the advantage of global streaming services. As I discuss this with my children and grandchildren, they have no idea what Bill C-10 is or what it can do. They just want to go find whatever it is they want to watch.

When you look at Bill C-10 and talk about the advantage of global streaming services, how can this bill work to your advantage? Where do you see we're going with Bill C-10 in helping do what you want to get done?

I'll start with Ms. Haskett.

Ms. Erin Haskett: Thank you for your question.

I think this is a real opportunity for us, especially as we have new storytellers and new points of view coming to the table. We've essentially had a group of gatekeepers in this country who have only allowed a certain kind of story and that has to serve a certain kind of audience.

There's a lot of flexibility for us, particularly with the independent production sector. It's really important that we strengthen that to be able to focus on the diversity of regions, voices, sizes of company and kinds of producers. The opportunities with Bill C-10, especially with the recommendations we're making today around owning Canadian content and including codes of practice, would really strengthen our domestic industry as a whole.

Mr. Martin Shields: How does that get to my children and grandchildren, so they would find that? They're not watching CBC. They're not watching cable. They're going directly to global services to get what they want.

I don't watch much on cable either anymore. I don't watch mainline news show anymore. I get mine from social media. How does Bill C-10 help get yours to the platforms?

Ms. Erin Haskett: Especially for us as Canadian producers and as it's proposed in Bill C-10, if there's a requirement around Canadian content, we ultimately will have a voice on those streaming services—whatever streaming service it may be. There's a different kind of resource available to us with that. Ultimately if you're looking at any of those particular streaming services, you'll be able to find Canadian content.

I'm just going to throw it to Reynolds or Damon, in case there's anything they wanted to add to that.

● (1150)

Mr. Reynolds Mastin: One of the things we very much welcome in the bill is that there is an explicit focus on discoverability. That would be part of the public proceeding that the CRTC would launch, in which obviously the streamers would participate—and we would as well—to determine what the best way is to ensure discoverability of Canadian content on streaming platforms.

Mr. Martin Shields: It's an excellent comment. I appreciate that, because if there isn't a way to discover it....

Is this legislation strong enough to challenge the global services? Look at what Australia is dealing with at the moment. Can we, under Bill C-10, be strong enough to challenge the global services?

Mr. Reynolds Mastin: I believe the tide has shifted. We are all watching very carefully what is happening in Australia. We applaud what the Australian government is doing. We welcome the fact that Minister Guilbeault has stated his support for Australia's stand.

We see this as part of a global trend. Look at what's happening in the European Union, where they are bringing into effect equivalence requirements on these platforms to promote local content in the EU. We have every confidence that this government, this country, can do something similar and be successful.

Mr. Martin Shields: Is it in Bill C-10? Do you believe Bill C-10 as a piece of legislation can do that?

Mr. Reynolds Mastin: The key elements are all there. We've mentioned a couple of other elements that we would like to see in the bill, but there's no question that it represents a giant step forward from where we're at.

Mr. Martin Shields: Of those things you mention, if you had a choice to make in strengthening it, which is the most important out of the options you said?

Mr. Reynolds Mastin: The most important are codes of practice, because they enable the producer to hold on to their IP.

Damon, you held on to the IP in *The Book of Negroes*. What now has been the result of that?

Mr. Damon D'Oliveira: Just to finish what I'd started earlier, we're now in development for a spinoff of *The Book of Negroes* with the CBC, which resulted in our maintaining ownership of the underlying IP. Had I done this with a digital streaming service, it might not have come to pass.

If I might, I will give just a quick example. Michaela Coel, who is a brilliant Black British filmmaker and actress, did a show called *I May Destroy You*. She had an offer from a streaming platform for \$1 million to give over all the rights. They wouldn't even give her as much as 1% copyright ownership of that show. She actually said no. She took it to the BBC, where there are codes of practice in place. She was able to form a partnership with the BBC and with HBO in the U.S. to make that show and retain underlying copyright for her—

The Chair: Thank you, Mr. D'Oliveira. At the risk of cutting you off again, sir, I apologize.

Mr. Damon D'Oliveira: No, I do go on.

The Chair: It's not a reflection on you or your work. You just happened to be at the wrong place at the wrong time. Nevertheless, we have to move on.

Mr. Housefather, you have five minutes, please.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you, Mr. Chair. I'm going to share my time with the great Black journalist we have on our team, Ms. Ien.

I will devote my questions to the CMPA.

As somebody who used to practise as a general counsel, I know how important intellectual property is. I think it would shock the consciousness of Canadians if they understood the types of deals that Netflix was actually asking Canadian creative forces to make, which are basically buyouts, where you get paid a set amount of

money up front. They may retain you for two years as an employee on the show, then get rid of you no matter how successful the show is and do the show entirely with a creative team outside of Canada.

In terms of amendments to Bill C-10, in 2004 the United Kingdom created a terms of trade that gave independent producers control over secondary rights of their content. I understand that it had both economic and creative benefits. Can you speak to what the U.K.'s example was and what amendments we should make to Bill C-10 to reflect what the U.K. actually did?

• (1155)

Mr. Reynolds Mastin: Thank you very much for the question, Mr. Housefather.

In fact, our codes of practice language in the amendment is inspired by what happened in the U.K. You rightly note that codes of practice were first introduced in 2005. Within the span of eight years, the capitalization of the U.K. independent production sector tripled. It went from approximately \$1.3 billion to \$3.1 billion in under a decade.

What it also did, because those companies were able to hold on to their IP and meaningfully invest in their shows, is that it led to one of the golden ages of British content, which we've all been talking about for years now. You also see the benefit in terms of the quality and impact of the content that is ultimately produced, because those local companies have been able to hold on to the IP and meaningfully invest in the development and production of their shows.

Mr. Anthony Housefather: Thank you very much.

Marci, over to you.

Ms. Marci Ien (Toronto Centre, Lib.): Anthony, thank you so much for sharing your time. I appreciate it.

Ms. Stewart, I have a couple of quick questions for you, if I might. I had a 30-year career in broadcasting and I was an only, or one of a couple, the whole time. I know that your members have stories to tell. I want people to hear what it feels like, specifically post-George Floyd, to be the only person in a newsroom having to share that story, report on that story and give perspective on that story, and highlight the need for more people of colour and more Black journalists in this country and representing the newsrooms in it.

Ms. Nadia Stewart: It's an isolating experience to be the only one in your newsroom. It can be a lonely and difficult challenge whenever you expose the problems that you're going through and you're either gaslighted or outright ignored. This is a big part of the reason we're here today to speak about the changes that we want to see, because we hear from the Black journalists we encounter that this has to stop.

The only reason I believed I could do this work, I could be a journalist, was that growing up I used to see Andria Case on the news in Toronto. For me, that is the power of one. It takes just one Black journalist in a newsroom to make a difference so that other young journalists can see that they can do it too. That's the only reason I knew I could do it too. We need more than one. It's been only one for too long, and it's been only one in too many newsrooms across the country for no good reason. This is why we're fighting for change. This is why we're speaking. This is why we're advocating, because we know that better representation is about the audience and it's about representation across the country, but if we don't start or if these companies don't start better reflecting Black journalists and Black youth across this country, then they're going to have a tough time inspiring them and getting them into their newsrooms.

Ms. Marci Ien: Mr. Chair, if I might, I'd like to ask one more question quickly.

You made the distinction, Ms. Stewart, between racial parity and gender parity and why that is such an important distinction to make.

Ms. Nadia Stewart: A lot of companies were quick to note that there has been progress in terms of equity around gender parity. That has not worked out well for Black people, especially for Black women. In the end, gender parity just meant more white men and more white women. We still have not seen more women of colour, especially, from our perspective, more Black women. We're still not seeing them in leadership positions. We're still not seeing them on air and in the newsroom.

If you want to celebrate gender parity, that's great, but we have to get past that, because for us gender parity has not meant that we're more visible.

The Chair: Thank you, Ms. Stewart.

[Translation]

Mr. Champoux, you have the floor for two and a half minutes.

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

Earlier, my colleague was saying that television viewing habits are changing a lot.

Actually, my children do not understand the concept of conventional television at all. When we pick a channel, they wonder why they can't choose something other than what is being broadcast at that time. So habits are certainly changing.

Frankly, I think we need to regulate digital broadcasters somehow if we are going to save our industry. We are adding requirements, but we are also asking them to contribute to producing content. We want more money for our original Quebec and Canadian productions. We also want to increase discoverability.

My question is for the representatives from the Canadian Media Producers Association.

In your opinion, will more discoverability and more quality production on digital platforms enable our industry to make it, to become healthy again and to remain competitive, instead of just struggling along?

Large U.S. productions will still be available, whatever the discoverability and the money invested. What do you think?

• (1200)

[English]

Mr. Reynolds Mastin: We are confident that would be a giant step forward in that direction to ensure that those players who are operating in our marketplace, who are based outside of our borders and who are accruing very significant benefits from the Canadian marketplace will invest back in that marketplace.

We know that they are hoping that these new rules will require them to produce productions that are less Canadian than they are today when the rules apply to them. One of the things we say in our conversations with our Hollywood streamer and studio friends is that, when it comes to investing back in our industry, we are asking them to partner with Canadian producers and Canadian creators for shows that are a little more Canadian rather than less Canadian, which is what they are seeking through their advocacy efforts with you.

[Translation]

Mr. Martin Champoux: In a few seconds, in your opinion, will it be easy to negotiate and impose these regulations on the digital giants?

[English]

Mr. Reynolds Mastin: It may not be easy but I think that there's a recognition, even amongst these players, that the days where it was a free-for-all for them and they could behave as they pleased is no longer acceptable to Canadians.

The Chair: Thank you very much. I hate to cut you off.

Ms. McPherson, you have two and a half minutes.

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

I'm going to go back to the Canadian Media Producers Association, as well.

One of the benefits of going last is that I can ask you to follow up with whatever comments you feel haven't been raised so far. I thought maybe I should start with Mr. D'Oliveira because he has been cut off a number of times.

Coming from Alberta, we have a thriving industry that is suffering in terms of our creative content development. I'm wondering if he can start by talking a little about how the strengthening of these codes of practices, how the strengthening of the terms of trade, will actually help Alberta organizations as they create content.

Mr. Damon D'Oliveira: What I would say is that as a racialized producer primarily the content that I have made has been specific to Black and queer communities. I feel that this is a great moment, and the CMPA strongly supports a fully inclusive broadcasting sector that reflects the diversity of Canada, especially equity-seeking and sovereignty-seeking communities, including indigenous peoples and Black and racialized peoples, people with disabilities, across a broad spectrum.

This would reach across the country. This would reach to Alberta, as well. I do feel that if we are able to control our content, control our IP... What I have been able to do as a producer in Canada is that I have taken the revenues that my company has earned and I have put that into additional content, so I am now working with a much broader spectrum of people. My development slate over the last five years since doing *The Book of Negroes* has grown considerably, and I feel that if that ability or the ability to control our underlying IP is taken away, it will reduce our capacity to do so.

If we get the support through Bill C-10 to retain control of our underlying work, we can generate a lot more content in this country and feed all of the growing domestic and international streaming platforms.

Ms. Heather McPherson: Thank you.

Mr. Mastin, is there anything else that you'd like to add to that?

Mr. Reynolds Mastin: Just very quickly, the two things that we haven't touched on are one, proposed paragraph 3(1)(f), which relates to Canadian talent and making sure that our Canadian broadcasting system makes maximum use of Canadian talent. We would ask the committee to perhaps revisit the proposed language there. There have been concerns expressed by our partners who represent Canadian talent that potentially this new wording, however inadvertently, could result in a dilution of maximizing Canadian talent as a priority, so we would encourage you to revisit that.

The final thing we would encourage you to consider is whether or not we should retain the right that currently exists under the Broadcasting Act for Canadians and stakeholders to appeal CRTC decisions to the federal cabinet. That mechanism provides some degree of additional oversight and accountability for the CRTC, even though the bar has always been very high for an appeal to be successful, which is as it should be.

• (1205)

The Chair: Thank you, Mr. Mastin.

Ms. Heather McPherson: Thank you.

The Chair: We're going to have to suspend. Before I do, I want to thank the Canadian Association of Black Journalists, the Canadian Media Producers Association and the Racial Equity Media Collective for joining us with some wonderful testimony. We thank you so much.

Folks, we are going to suspend to set up our next witnesses. Thank you.

• (1205)

(Pause)

• (1210)

The Chair: Welcome back, everyone—that was a nice, quick transition, wasn't it?—as we make our way through testimony once again. Of course, we are talking about Bill C-10, which passed second reading in the House and is here at the Standing Committee on Canadian Heritage.

We're into our second hour now. We are going to hear from the Association des réalisateurs et réalisatrices du Québec, Gabriel Pelletier, president, and Mylène Cyr, executive director. We also have, no stranger to this committee, from the Canada Media Fund, with Valerie Creighton, who is the president and chief executive officer, and Nathalie Clermont, vice-president, programs and business development. Finally we have from the Indigenous Screen Office, Jesse Wenthe, who is the executive director.

Thank you so much, everyone, for joining us. We'll give you five minutes. I have a little bit of flexibility, but not a lot given the time. We're going to start, of course, with the Association des réalisateurs.

[Translation]

Mr. Pelletier, you have the floor for five minutes.

Mr. Gabriel Pelletier (President, Association des réalisateurs et réalisatrices du Québec): Good afternoon, Mr. Chair and members of the committee.

My name is Gabriel Pelletier, and I'm the president of the Association des réalisateurs et réalisatrices du Québec (ARRQ). Joining me today is our executive director, Mylène Cyr.

The ARRQ is a professional association with almost 800 members. They are freelance filmmakers who mainly work in French in Quebec in film, television and online. They assemble, coordinate and direct the creation of audiovisual works on set and in the editing room.

I will now give the floor to Ms. Cyr.

Ms. Mylène Cyr (Executive Director, Association des réalisateurs et réalisatrices du Québec): Thank you, Mr. Pelletier.

Members of the committee, it's a pleasure to meet with you.

We support Bill C-10, which confirms that online broadcasting is covered under the Broadcasting Act and sets out how the Canadian Radio-television and Telecommunications Commission (CRTC) should regulate online undertakings. That being said, Bill C-10 needs to be improved to ensure that essential aspects of the current Broadcasting Act are not eliminated and that certain shortcomings are addressed. Given the limited time available to us today, we would like to make only two recommendations on matters that are particularly close to our hearts.

First, the requirement to make predominant use of Canadian creative resources must be maintained. Already, over the past 10 years, the foreign location and service production in Canada has grown from 30% to 52% of total production, while independent production of programs recognized as Canadian has decreased from 48% to 35% of total production. The foreign location and service production was 78% U.S.-based, with production almost exclusively in English.

We do not want any new version of the Broadcasting Act to endorse foreign location and service production as a substitute for truly Canadian production. This is why we do want the act to make predominant use of Canadian creative resources. By retaining the text of the current act, the CRTC could continue to tailor this requirement to online undertakings according to their nature, as the wording of the act already provides the CRTC with this possibility by stating: “unless the nature of the service provided by the undertaking... renders that use impracticable.”

The floor is yours again, Mr. Pelletier.

● (1215)

Mr. Gabriel Pelletier: Second, we need to reinforce the purpose with respect to original French-language content. If the text of the Broadcasting Act is not strengthened in this regard, major online companies, such as Netflix, Amazon Prime and Disney+, will be able to continue to present content dubbed or subtitled in French, with little or no original French-language content.

Ten days ago, Netflix's co-chief executive officer stated that his company has spent more than \$2.5 billion in Canada since 2017. With that amount, Netflix has produced only one film and five shows in French. Their combined budgets account for only about 0.3% of the \$2.5 billion. Clearly, the production of original French-language Canadian content is not a priority for either Netflix or other foreign companies whose track record is worse.

Programming overall is not much better, as Netflix has less than a dozen Canadian series or films in French. Requirements therefore must be imposed on these online undertakings so that Canadians can see original French-language content. This is not a matter of imposing quotas in the act, but rather of developing appropriate objectives to ensure that original French-language content represents a significant proportion of Canadian programming.

These are two of our recommendations, which overlap with those of the Coalition for the Diversity of Cultural Expressions. As one of its founding members, we support the coalition. Canadians' increased use of online services during the pandemic reminds us of the urgency to act to correct the inequities afflicting our broadcasting system. We therefore urge members of the committee and the government to move Bill C-10 forward quickly so that it can be passed as soon as possible.

Thank you for your attention, Mr. Chair and members of the committee. We are available to answer any questions you may have.

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

[English]

Now we go to the Canada Media Fund.

Go ahead, Ms. Creighton. You have five minutes.

Ms. Valerie Creighton (President and Chief Executive Officer, Canada Media Fund): Thank you very much, Mr. Chair, and thank you to the members of the committee.

I'm Valerie Creighton. As the chair mentioned, Nathalie Clermont, our vice-president of programs and business development, is also on the line.

Your work on Bill C-10 is absolutely critical. It will shape the rules of the road for broadcasting in Canada, as well as how TV, film and digital media content is made, who sees it and whose stories are told.

Canada's television and digital media production industry has grown every year for the past 10 years. It creates thousands of jobs from coast to coast to coast, in cities and in towns—181,000 jobs in 2019 alone. *Heartland*, filmed in southern Alberta, generated 4,500 jobs and \$460 million in economic activity over 10 seasons.

The content industry attracts investment in Canada by streamers, foreign production companies and foreign broadcasters. *Jusqu'au déclin*, or *The Decline*, a Quebec-led French-language feature commissioned by Netflix, has been seen by 21 million people.

Our industry showcases Canadian stories and talent to the world and we are on top of our game in that regard. Radio-Canada's *C'est comme ça que je t'aime* was the first and only television project invited to screen at the 2019 Berlin film festival. *Diggstown*, a Black-led Halifax production, was recently purchased by Fox for U.S. distribution. CTV's *Transplant* recently sold to NBC and was hailed by The New York Times as the best drama on television. As well, of course, *Schitt's Creek* won nine Emmys and recently received five Golden Globe nominations. This is unprecedented success, and these shows were made in Canada by producers, broadcasters and the CMF.

CMF is the largest screen content fund in the country. We provide approximately \$350 million to independent producers and digital media companies annually. Our revenue comes from two main sources: 43% from the federal government, and 52% in contributions from the broadcast distribution undertakings, the BDUs, in a regulated percentage of revenues only from cable, satellite and direct-to-home subscriptions. When the CMF was created 10 years ago, the model was one-third government funding and two-thirds BDU. Today, the BDU contributions are declining as Canadians cut their cable cords or don't subscribe at all. As a result, the CMF's revenue from the BDUs declines every year.

In discussions around Bill C-10, it has been said that streamers like Netflix should contribute to the CMF like Canadian broadcasters do. However, to be clear, broadcasters do not contribute to the CMF. It's the BDUs such as Shaw, Rogers, Bell and Videotron that contribute, and their broadcaster assets are the ones that benefit. For example, this year Videotron contributed \$22.3 million to the CMF. Its broadcast asset, TVA, triggered \$25.2 million in CMF funding towards the financing structures of their projects.

Every dollar the CMF invests in production leverages four dollars, so this is not the time to lose that economic impact or stifle the creative growth of this industry.

How does all of this affect Bill C-10? In our view, it's in every way possible. We need modernized legislation, regulation and a modernized CMF to deliver programs in today's environment. Our system has become archaic. The orderly marketplace is a thing of the past, but the creative and economic potential for Canadian content has never been greater. Bill C-10 is a critical step to unlock change.

The CMF supports Bill C-10, but the bill and the CRTC direction requires clear language that prioritizes growth in direct investment in Canadian content production in English and French, Canadian ownership of intellectual property, a platform-agnostic approach to domestic and international content distribution, and indigenous content and content from under-represented groups, as proposed by the Indigenous Screen Office and the Racial Equity Media Collective.

• (1220)

We need to bring to this work a mindset of expansion, not contraction, for our stories, our creators and our industry to leverage the investment to date. With the right legislative language, we can achieve the phenomenal levels of success available to us in this new future.

Thank you, Mr. Chair and members of the committee.

The Chair: Thank you, Ms. Creighton.

Now we will go to the Indigenous Screen Office.

Mr. Wente, you have five minutes. Go ahead, sir.

Mr. Jesse Wente (Executive Director, Indigenous Screen Office): Thank you so much.

I am grateful for the opportunity to speak on behalf of the Indigenous Screen Office and the first nations, Métis and Inuit storytellers we serve.

As I'm sure you all know, the Indigenous Screen Office was announced by this government in 2017, after years of advocacy for such an agency to exist. We serve first nations, Inuit and Métis storytellers within the Canadian screen sector, and seek greater opportunity and greater measures of self-determination for our communities within the screen storytelling industry.

As a long-sought and only newly created organization, for us the opening of the broadcasting and telecommunications act presents our first opportunity to advocate for legislative change that could affect our communities and our storytellers. We are pleased to see that our comments are represented within Bill C-10. The changes in

language and elimination of qualifiers around the need for first nations, Métis and Inuit programming and broadcasting to be represented within the Canadian broadcast sector are welcome and long overdue. We believe the stories of first nations, Métis and Inuit are as central to the Canadian story as those of French and English, and as such should be treated the same way within this legislation.

As this bill ensures the creation of Canadian broadcasting and the dissemination of Canadian content, it should also ensure support for first nations, Métis and Inuit content and broadcast initiatives. We ask that the language within the law be specific. "Indigenous" is a catch-all term. While it is one that we use to describe the totality of our communities, we feel that this law should specifically define indigenous to mean first nations, Inuit and Métis.

We also want to ensure that the bill provides the space not just for first nations, Métis and Inuit content but also for broadcast undertakings. This bill should, as much as possible, protect itself from future technological advancements and allow for the possibility of new broadcasting technologies to emerge, and for these to be potentially utilized by indigenous storytellers and broadcasters.

In addition to these key points, I would really like to ask today that you consider the true nature of this legislation. Having listened today, I am confident that you have heard much about the need to modernize this law to better reflect the broadcasting and telecommunications environment of today.

I'm confident that you have heard much about the evolution of broadcasting and transmission technologies, and how this legislation must capture that modern state of broadcasting, inclusive of technologies that have emerged since the last time this legislation was amended. I'm confident that you've heard about the importance of onboarding massive foreign media networks into this legislation to better reflect the modes of consumption and creation that Canadian audiences and storytellers are currently engaged in. I'm confident that you've heard the need to have these networks meaningfully contribute to our sector here. I'm confident that you've heard about the need for better data collection and aggregation so that our sector may more easily and rapidly adapt to the evolving broadcasting and telecommunications environment.

These are all important things, and I know that you will be considering all of them. The ISO supports the way this bill approaches the definition of broadcasting and its meaning today.

What I would like to leave you with is this. As much as this legislation is about all of those things, its central purpose has always been, and remains, storytelling. As much as this bill addresses the changes in storytelling—its creation and transmission and consumption—the true revolution in storytelling is not about technology or broadcast systems or Internet-based streaming services. The revolution in storytelling is not about new forms of storytelling or new platforms for storytelling. The revolution in storytelling that this bill must ultimately address is not about the what or the where or the when of the storytelling. It is the who. Who is telling the stories we will watch, no matter where or how or when we will watch them?

It is the who. For too long, the who of Canadian storytelling has been too limited. As a result, the Canadian story and the stories Canadians tell each other have been incomplete. They have been incomplete to our shared detriment. These gaps in storytelling have contributed to gaps in policy, gaps in equality, gaps in understanding and indeed gaps in humanity.

The bill must ensure the stories that are broadcast, the stories that it is meant to ensure, don't just take place in a modern broadcasting and telecommunications regulatory framework, but that these stories come from what has always been the modern Canada—a multinational place with a deep history still largely unexplored and a rich and diverse future that will be created through right relations between communities and a sharing of our stories.

• (1225)

I ask that you pass this bill so that our stories may flourish and so that they may dance together.

Meegwetch for this opportunity.

The Chair: *Meegwetch*, Mr. Wente.

I want to remind our colleagues, again, to please direct your questions, or at least say the name of the person you're directing your question to, in order to try to make this as smooth as possible.

We're going to start our question round. We're starting with Ms. Ien, for six minutes, please.

• (1230)

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

Thank you to our witnesses for appearing today.

Mr. Wente, I want to start with you.

You said so much to us and gave us a lot to think about, but where do you see the biggest—?

[*Translation*]

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Mr. Chair, it seems to me that—

[*English*]

The Chair: I'm sorry.

Yes, Monsieur Rayes.

[*Translation*]

Mr. Alain Rayes: It seems to me that the round of questions should start with the Conservative Party, unless the speaking order has changed.

[*English*]

The Chair: Yes, you are right. I read it the wrong way. Actually, I wrote it down the wrong way.

Ms. Ien, I sincerely apologize. I used to be a chair in another committee and we had different rules.

Don't mind me. Just carry on.

Monsieur Rayes, you have six minutes, please.

[*Translation*]

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

Ms. Ien, I'm sorry for interrupting you. I didn't mean to be rude.

First, my thanks to all the witnesses for joining us today.

My questions are mainly for the representatives from the Association des réalisateurs et réalisatrices du Québec. I will let my colleagues from all parties ask all the other witnesses questions, and I'm sure they will.

Mr. Pelletier and Ms. Cyr, I had the opportunity to speak with you before this meeting. You shared with me many of your concerns about Bill C-10. I think everyone agrees that we need a bill, and we all want it to be the best possible, but there are a number of shortcomings. You pointed out two in particular, and we talked about them at our meeting.

You presented some extremely worrisome data on Canadian creative resources, both francophone—I assume they are also from Québec—and anglophone. They show a decline year after year. I would like to hear your comments on that.

I would also like you to address the whole issue of the French language. Just last Friday, the Minister of Official Languages announced, in the reform document she tabled, that she wanted the broadcasting sector to take into account the concern about the decline of the French language. However, the bill seems to make no mention of the need to protect French-language content. It seems that the two departments have not spoken to each other, and here we are discussing Bill C-10.

Have I understood your concerns properly? Is my analysis of the situation correct? If so, what would you recommend?

Mr. Gabriel Pelletier: Actually, the bill does not specifically mention it, but there is already a linguistic concern in the current version of the act. We want to have the rightful place of the French language recognized and promoted. Of course we welcome Ms. Joly's concern. We want to see the same concern about the rightful place of the French language in broadcasting. We can send the committee proposals for amendments to the bill that address this problem.

Today, we brought up the fact that the business plans of foreign platforms do not show a great deal of concern for French. We are not asking that quotas be added to the act. Instead, we want the CRTC to be given the power to make decisions based on clear objectives that will guide its choices and how it regulates broadcasters, whether digital or traditional.

Mr. Alain Rayes: Thank you. That fully answers my question. I am pleased, because the analysts will be able to hear that concern.

There should at least be some guidelines, although not quotas. I think we all agree on that. You also mentioned that, in the absence of quotas, it is important that the new investments reflect the linguistic uniqueness of our country, which has two official languages.

In terms of funding, you told me that the National Film Board (NFB) is one of the few organizations whose funding had not increased. The envelope has even decreased by 40%, which affects you in a concrete way.

Can you briefly tell us about that?

• (1235)

Mr. Gabriel Pelletier: The NFB's budgets are not annualized, and its mandate has expanded over the years. It has a very expensive digital platform that it has to maintain. This raises concerns, because the only cuts it has been able to make are in production. The fixed costs are increasing from one year to the next. The only variable the NFB has been able to control is production.

Clearly, we are concerned about this, just as we are concerned today about the place of independent production in the new context of foreign platforms, which are extremely present on the market and have no concern for Canada's two official languages.

Mr. Alain Rayes: Mr. Pelletier, let me ask you for some clarifications about that. It will be interesting for the analysts. You were saying that, in the past, the CRTC played a role in the negotiations between the broadcasters and the independent producers. In the new bill, you feel that that has been excluded. So it would harm independent producers who are small players in comparison to the big ones. Have I interpreted your concern correctly?

If so, can you explain it for us?

Mr. Gabriel Pelletier: Yes, you have interpreted it correctly. I have also heard the CMPA make a request about the process, that the CRTC be able to set rules for the negotiations between broadcasters and producers. As we have seen, the major platforms want to have all the intellectual property and to make use of it as they wish. That property is therefore no longer Canadian. It is important for the CRTC to have the power to set the rules for the terms of the negotiations.

Mr. Alain Rayes: Great.

The Chair: Mr. Rayes, Your time is up.

Thank you.

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

My thanks also to the witnesses.

[*English*]

The Chair: Thank you.

Mr. Rayes, accept my apologies for the confusion at the beginning.

Speaking of which, Ms. Ien, it's your turn. This time, I've consulted and I'm correct.

It is your turn right now, so thank you.

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

It's no problem at all, Mr. Rayes.

Mr. Wente, I have a question for you, and I thank you for being here—and all our witnesses for being here.

I want to know specifically what you see as the biggest gap in the bill with regard to indigenous people.

Mr. Jesse Wente: I think the bill is certainly an improvement over the last iteration of this particular piece of legislation, dropping some of the qualifiers. Of course, we'd love it to be stronger, to set measurements. We look to the directive to the CRTC to do those things. Of course, we would also have loved to see indigenous languages entrenched in the bill in the same exact manner that French and English are. However, we also recognize the limitations around the current designations around official languages.

I think there are areas that we see. The biggest thing that this bill needs to do is to compel the supports for first nations, Métis and Inuit content production that it does for French and English. That is really what has been lacking. The previous iteration recognized a need for that content. It just did not provide any supports for that actual production to exist. Now is the time for this sector to actually invest in our storytellers to meet a largely unmet demand internationally for this type of storytelling. That's really what we're looking for the bill to do—compel supports for the production of that content.

Ms. Marci Ien: Mr. Wente, can you explain the delineation that you're talking about between indigenous peoples and why that's important?

Mr. Jesse Wente: We were somewhat surprised to see the word “indigenous” actually used in the bill because, as far as I know, it doesn't actually appear in any other law in Canada. While it is a relatively new term that we use as a catch-all, it does lack a specificity that I think is important if you're going to embed it in legislation. When we're talking about indigenous content in Canada, that very specifically means first nations, Métis and Inuit. All of those communities, who are a multitude, have a very different variety and approach to storytelling, different protocols around storytelling. We think it's important for this law to be very specific around those communities and not leave itself opened to a broader interpretation that may lead to unintended consequences.

• (1240)

Ms. Marci Ien: Mr. Wenté, thank you so very much.

I have a question now for Ms. Creighton, from the Canada Media Fund.

Ms. Creighton, you talked about language a lot—about clear language and the mindset of expansion, not contraction. Are there specific things that concern you along those lines within this bill?

Ms. Valerie Creighton: The issue of expansion versus contraction is about money, really. We know right now, as we see and support the sector at the CMF, that the BDU revenue is declining for the cable issues and the reduction of cable. That source of revenue to us was stabilized by the federal government in 2017, and eventually the decline in BDU revenue will outstrip that stabilization.

There's tremendous pressure on the Canadian broadcasting system, as you have heard I'm sure, from loss of revenue. This could translate into fewer Canadian stories, lower licence fees or decreased budgets, and that will make our country's content much less competitive.

The industry continues to grow. Demand for content is already a minimum of 50% oversubscribed in this country than the resources that are available. There are imperatives to support indigenous voices. We have an \$8.7-million fund for indigenous language and content at the CMF, but the demand for that program far outstrips the resources that are there.

At the same time, the dilemma here is that world audiences are clamouring for content. We have certainly provided some examples of success in terms of stories that have originated in Canada and travelled the world. As a country, if we want to be present in this world market of storytelling and support our sector in remaining competitive, it's going to take some resources. The bill describes the imperative for racialized content and communities that are under-represented.

We were very fortunate through COVID. We were able to support that sector to the tune of about \$16 million and provide additional resources to the ISO. It created a wellspring of enthusiasm and we were able to achieve a great deal with that money, but that's temporary and it's only the beginning. The real question now is how we translate all of that into long-term change that ensures our media sector represents the fullness of Canada and, more importantly, that those incredible stories are available to audiences around the world.

I already forgot the first part of your question, but I focused in on the money. I'm so sorry about that. I hope it answered what you were asking.

Ms. Marci Ien: It absolutely did. Thank you so much.

Mr. Chair, that's it for me.

The Chair: Thank you very much.

[*Translation*]

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

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

My thanks to the witnesses for joining us today. It's a pleasure to see the ones we have already met once again.

I would first like to turn to Mr. Pelletier and Ms. Cyr on the specific topic of paragraph 3(1)(f) in the act.

Earlier, my colleague Mr. Rayes talked about a decrease in creative resources.

Paragraph 3(1)(f) in the act was quite important because it was relatively firm as to the obligation of broadcasters and producers to make use of resources in Quebec and Canada in order to produce content.

Could you explain how reducing that requirement, which could be a consequence of the bill as proposed, could well harm the cultural industry in Quebec and Canada?

Ms. Mylène Cyr: Earlier, I quoted some quite significant figures about the decrease in Canadian production for the services that are becoming more and more of a factor.

According to paragraph 3(1)(f) of the act, broadcasting undertakings are to make predominant use of Canadian creative resources. The bill no longer provides for that possibility.

In our view, it is clear that the objective of using Canadian resources predominantly can ensure that original Canadian productions are made. We feel that it is important to give creators here all the room they need to tell our stories to Canadians.

In our opinion, it is very important, it is even a priority, to keep the paragraph as it is at present.

• (1245)

Mr. Martin Champoux: Given that extremely powerful digital players will most likely be wielding great influence in the market, how did you see the reworking of that paragraph, which should have been strengthened rather than weakened?

What do you feel about the change that the bill is proposing?

Mr. Gabriel Pelletier: We feel that Bill C-10 opens the door too wide and gives too much flexibility to foreign platforms in particular. The current version of the act has an objective of using Canadian talent predominantly. We would like that to be included in the bill.

By giving too much flexibility to the foreign platforms, we are afraid that they will not use our local talent, that they will have fewer obligations in that regard, and they will make do with a simple financial contribution. The important thing for us is to have our creators, actors, writers and producers working. Basically, we want Canadian talent to be used. We want to see that put back into the amended version of the act.

Mr. Martin Champoux: I imagine there are voice actors too.

Mr. Gabriel Pelletier: Exactly. Our entire industry depends on the jobs, the creative contribution and the intellectual property it will generate.

Mr. Martin Champoux: Generally speaking, the industry is looking for this bill to be passed quickly. The Broadcasting Act has needed to be updated for a number of years. We want the bill to be passed, but at what cost? What are the compromises you are prepared to make?

Let me ask the question differently. If you had to vote on this bill, what would be the absolute prerequisites for your support?

Mr. Gabriel Pelletier: First, we are in favour of the bill and I feel that we said that clearly when we started. We have some fears and we want it to have more teeth. As francophone creators, our biggest fear is that it does not provide adequate protection for the jobs of creators, both francophone and anglophone, and also for content in French. Original production in French is our greatest concern.

Mr. Martin Champoux: Thank you very much.

Now I would like to ask Ms. Creighton one or two questions.

Ms. Creighton, a few weeks ago, we discussed the sharing of the funding for TV productions. At the moment, one third goes to French-language production and two-thirds to English-language production. You were not opposed to the idea of revisiting that funding model.

French-language productions are underfunded. Producing half an hour of content in French gets much less of a budget than English-language productions. What would constitute an equitable share in any new model that could be adopted?

[English]

Ms. Valerie Creighton: Mr. Champoux, our conversation earlier was quite interesting.

I want to start, and then I'm going to turn it over to Nathalie Clermont for a little more detail.

The Chair: I'm not sure that we have time for that, Ma'am. I apologize, but go ahead.

Ms. Valerie Creighton: All right.

Yes, we are certainly open to it, and what would be fair, I think, is to have a discussion once the new program is developed. We know there's been some discussion to equalize it with the music industry, which would be 40%. Right now we're confined by the conditions of the contribution agreement, but we're certainly open to discussion. There's great opportunity for French market content all over the world. Language is no longer a barrier. This provides a huge opportunity for our French market creators.

[Translation]

Mr. Martin Champoux: Thank you very much, Ms. Creighton.

We have a lot to tell each other but little time in which to do so.

The Chair: Thank you very much.

[English]

Before we go to the next question, folks, I hope I can get your blessing to extend by not a full 10 minutes but up to 10 minutes. That's if we want to do a full second round.

I'm seeing a lot of nodding. Is there any dissension on that? Otherwise, I can't do a second round for all four parties without any fairness.

Thank you.

Madam McPherson, you have six minutes.

• (1250)

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

Thank you to all our witnesses for being here today. It's an important conversation, as we try very hard to make sure Bill C-10, as legislation, is as strong as it possibly can be.

It's lovely to see you, Ms. Creighton. As somebody who is also in the Prairies and dealing with the deep freeze to the balmy weather, I hope I also can manage that swift change.

You referred to a number of recent shows in your remarks, such as *Schitt's Creek*, which of course we all love, as an "unprecedented success" in showcasing Canadian stories and talent to the world through shows made in Canada by producers, broadcasters and the CMF. I'm wondering what in the current system contributed to that success, and how Bill C-10 is responsive to that. Otherwise put, how can we make sure that Bill C-10 builds on what we've done properly, with this unprecedented success, and that we don't unintentionally hinder that success?

Ms. Valerie Creighton: *Schitt's Creek* is a really good example. I am told by the producers of that content that they shopped the idea all over the U.S., and there was absolutely no pickup for it. The CBC came in with the production community. It was developed. It got off to a bit of a rocky start, and then by season two, it was well on its way. We all know what happened. Netflix then picked it up. The distribution in the U.S. made it a phenomenal success with all those awards.

The Canadian system needs an increased focus on our IP. I envision a day where we have enough money at the CMF to support development and production, which would help those content makers retain their rights as they go into the market. If there's a Canadian distribution entity, great. If not, at least, when they are going out to bargain on their content, they are in a much stronger position.

We hear of shows that are developed all the time in the country and then sold to Netflix. Netflix acquires all the rights. A recent show, *Warrior Nun*, was the top show on Netflix in 168 countries last summer. It was developed here by a production company. Unfortunately, that company doesn't participate in the back end of that show or was able to retain the rights, just because of the way the system has developed.

There are two things: IP retention and, of course, the money. If there's more money, we can strengthen our Canadian system: our creators, our writers, our actors, our directors. We can ensure development and production gets made in this country. We know we can take it to the market and be successful.

Ms. Heather McPherson: I'll ask some questions about the content industry, and how it's been affected by COVID-19. There are, obviously, encouraging signs in my home province of Alberta, as production comes back with health and safety protocols in place.

What impacts has COVID-19 had on the production industry? What does that mean for our consideration of Bill C-10?

Ms. Valerie Creighton: Like every industry, the impacts at the beginning were devastating. Everything just ground to a halt. At the CMF, we had 1,500 projects that were shut down immediately.

We were very fortunate that with the government's emergency relief program, we distributed \$120 million to the industry in over 10 days. That kept the door open. It kept people employed, and it allowed at least the structure to remain intact.

As the government brought in the short-term compensation fund, that guarantee of having a back-stop in the event that production had to go down enhanced the acceleration of content going into production. We've seen it in Alberta. There were some large series like *Kim's Convenience* and *Murdoch Mysteries* that were able to start earlier, because they had insurance packages previously that covered issues like the pandemic.

Yes, you're absolutely right, Ms. McPherson, production has geared back up. It's slow. We, anecdotally, know it will be less than last year. One of the concerns is ensuring we support development, so that the pipeline keeps moving forward.

The pandemic really pinpointed the fragility and weaknesses in our Canadian system. It started with the digital revolution. When the streamers came into the country, that accelerated the pressure downwards. COVID has now shone a light on the cracks in the Canadian system. The bill will do a great deal to strengthen it, and ensure that we can leverage the success of the past.

• (1255)

Ms. Heather McPherson: I don't have very much time left. Maybe on my second round, I'll come back to touch on this further, but, Mr. Wenté, I have a quick question.

Do you feel, in the development of Bill C-10, there was adequate consultation with first nations, Métis and Inuit peoples?

Mr. Jesse Wenté: There was some, but it wasn't particularly robust. We were a relatively new agency at the time. We take our position based on advocacy, research and consultation that has occurred over the last 20 years. Much of the answers have not changed.

Our responses were very much a reflection of that. We approach consultation as an ongoing everyday sort of activity. This process didn't exactly mirror that, but perhaps that is a little too ambitious. More consultation, with a broader range of communities, is always appreciated.

Ms. Heather McPherson: Thank you, Mr. Wenté.

The Chair: Mr. Aitchison, go ahead, for five minutes.

Mr. Scott Aitchison (Parry Sound—Muskoka, CPC): Thank you, Mr. Chair. I'm excited that we got to round two.

I'm excited to chat with Ms. Creighton again. I had a great visit with her. As for Jesse Wenté, I'm a huge fan, so I'm a little star-struck right now. Please don't be offended.

My first question is for Ms. Creighton.

I've been reading through the Broadcasting Act at 20 different meetings or more, I guess, with different groups. I've been collating all the suggested amendments to the Broadcasting Act in Bill C-10 and trying to understand it. Of course, our objective, as so many have said, is to make sure that our stories are told and that Canadians can access those stories. We obviously need to make improvements in terms of which Canadians are telling those stories. We want to make sure that all Canadians are.

My fear, of course, is that I wonder if what we've done here with Bill C-10 is to slightly regulate the online streamers, while keeping our fairly strict regulations on traditional broadcast media—the BDUs. I wonder if that isn't in fact really the beginning of the end as we transition away from this technology. Is traditional media in this country dead or dying?

Ms. Valerie Creighton: Are you asking me?

Mr. Scott Aitchison: Yes.

Ms. Valerie Creighton: No, it's not dead, but it's certainly suffering. The problem is that since the advent of the streamers coming into the country, we have had a two-tiered system. There is no question about it.

It's a fact that our Canadian system is required to contribute to the making of content. The foreign companies are not, yet they're a great source for producers and for productions to get made. As we've seen vertical integration and the downward pressure on the Canadian broadcasting system in particular, there are fewer doors to knock on, and it does become a question of resources and access to markets.

For sure I think it's not dead, and storytelling will happen no matter which way this bill goes. In order to achieve that balance, you may have to consider both. There may need to be a bit of flexibility provided to the Canadian broadcast system—we know they need it—but that shouldn't go too far so that, again, the whole system starts to collapse and there is less focus on Canadian content. Also, there has to be some direction to the streamers, whether it's regulation or some control, so that as everybody has referenced, the \$2.7 billion ends up being one or two shows in the French market and a few in the English market.

The issue, of course, is that once the IP is taken by a foreign entity.... On almost all occasions, that company comes in and they love Canada. They use our great creative talent, our tremendous resources and our locations, but they take the IP and the ownership of that content. They are the ones who make the money around the world. That is what has to change.

Mr. Scott Aitchison: Can I follow that up? It's tough to regulate the online streamers, but you can't charge them fees.

I'm just spitballing here. What do you think about this idea? What if we were to impose fees on those streaming giants and reduce the fees on traditional media? They're reducing anyhow.

Ms. Valerie Creighton: Scott, I think how you are going to deal with the streamers is absolutely the biggest question you have. Believe me, I'm star-struck with you guys, because you have the biggest job in the country right now: to figure that out. I think fees are an option for sure. Whatever technique or mechanism can be brought into the Canadian system to ensure.... I mean, the streamers are here. That horse has left the barn. They're a great advantage to content because they can distribute it around the world, but the system is a bit out of balance in that regard.

Whether you use a system of fees.... Regulation might be tougher but not impossible, and there have been many examples this morning from other countries around the world. I don't think we have to recreate the wheel here. We can look at what has been done in Australia, the U.K. and other places and model this in a similar fashion. Yes, the U.K. is a bit different, because their broadcasters put more resources into content than our Canadian broadcasters do. It's just a difference in the nature of the countries.

At the end of the day, it really doesn't matter what you do as long as you do something, because the worst-case scenario is that the Canadian broadcasters remain under pressure and the streamers do not contribute in any way, shape or form. That would trigger what you've just mentioned: the collapse, certainly, of our industry.

• (1300)

Mr. Scott Aitchison: Fair enough. I'll be honest. Your final point is partly my fear. I fear that we are doing something for the sake of doing something, but not doing it as exceptionally as we could, which is why we're doing these.

Mr. Wente—

The Chair: Mr. Aitchison, I apologize.

Mr. Scott Aitchison: Am I out of time?

The Chair: We're running up against the clock.

Mr. Louis, you have five minutes.

Mr. Tim Louis (Kitchener—Conestoga, Lib.): I appreciate it.

Thank you, all, for your time and your advocacy.

Maybe I will continue with Ms. Creighton. Time is so short these days. I was going to talk about that as well.

You mentioned examples of other countries that have regulations. Are conversations happening with broadcasters across the world or with countries to see if we can work in solidarity against a very large platform distributor?

Ms. Valerie Creighton: Yes. We don't do them at the CMF, but I know our government officials have been in that conversation on a daily basis. It's ongoing. The models are on the table. They're looking at them. We do connect with those organizations on the content front.

I'm going to shut up, because I speak too long and it's your show. I'll be quiet now so that more questions can come.

Mr. Tim Louis: No, I had planned on your talking and waxing way more on that, so you can certainly expand.

Ms. Creighton, you mentioned a platform-agnostic approach. It's overdue that we're working on the Broadcasting Act, and one of the concerns people have is whether we are doing something that's going to survive the future revenue sources and changing technologies.

In your opinion, what can we do to make sure we get on top of this curve, stay there and work to make sure we don't have to come back and revisit every time technology changes?

Ms. Valerie Creighton: There are two things. You can focus on development and production and on having enough resources to do so in the country of Canada. We're trying to re-envision the CMF as we speak. We're going out for an industry-wide consultation starting in March to look at whether it's possible in this country to have a very strong—what I would call—content fund that ensures that our content gets made in both language markets, from the indigenous community and from racialized communities that have not been served appropriately.

If you focus on getting the content made, it won't matter what platform it gets on, because the world will want it. That's the first thing, and I've forgotten my second point. I'll think about it if I get another chance. I'm sorry.

Mr. Tim Louis: I like the way you think. It's very out loud. I appreciate it, and I can relate. If you think about it, let us know.

Ms. Valerie Creighton: Yes.

Mr. Tim Louis: Mr. Wente, that might be a good segue to speak with you.

Today and during these meetings, I'm very proud that we're talking about representing both official languages, about being racially diverse and gender-diverse and about first nations, Inuit and Métis. These are conversations that might not have happened in previous iterations of the Broadcasting Act.

I appreciate your being here and bringing your voice and this idea to the table. It's nice. No, it's not fast enough and far enough, but we're moving in the right direction. Of that, I am proud.

The stories you talk about, which talk about the who, and the careers you have made as writers, producers, directors, musicians, actors, journalists and production teams often start in very local productions. The only way to get these bigger companies, then, is to support them at local levels.

Can you highlight the importance of supporting local sectors in those early independent days and perhaps share a success story? It's always nice to have a tangible story to show how support can make a difference.

Mr. Jesse Wenté: I think the ecosystems we see in the screen sector vary across the country, because, of course, there are local supports that may not exist in other places—tax credits and those sorts of things. I think specifically, certainly for historically marginalized communities, when they're gaining access to a sector, they will begin independently and then grow. We need that investment now for racialized storytellers in this sector, because they historically have lacked that investment.

What we're seeing now is a great demand for content, but we don't necessarily have the infrastructure there to meet that demand. Therefore, we do need to have very targeted investment, national investment in local production companies and local talent, to help foster that growth. I think that is certainly exceedingly important.

In terms of a great example, if you just look at what was recently announced on the slate of the Berlinale—the film festival in Berlin—we see two different first nations productions there. One is a dystopian sort of sci-fi film by Danis Goulet, who is an artist based in Saskatchewan. Then we also see *Beans*, a story by Tracey Deer, which is set in a historical event, the Oka crisis, the conflict at Kanesatake and Kahnawake in the nineties.

They're two very different films. One is an indigenous future-looking project, and one is examining the past through a very personal lens. The Danis Goulet project is called *Night Raiders*. That is the promise of indigenous content.

• (1305)

The Chair: Thank you, Mr. Wenté.

[Translation]

Mr. Champoux, the floor is yours for two and a half minutes.

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

I will be going back to Mr. Pelletier and Ms. Cyr of the ARRQ.

Mr. Pelletier and Ms. Cyr, when we met, and it was too long ago, the bill had been introduced for a few weeks only. We talked about the importance of including clear protection mechanisms in the act so that the CRTC could make decisions with a view to protecting French-language and Quebec content.

Are you still of the opinion that not insisting on that in the act could well give the CRTC some latitude and potentially weaken francophone and Quebec culture?

Mr. Gabriel Pelletier: We always put our trust in the CRTC in imposing requirements on broadcasters. We believe in our institutions. Of course, the CRTC will have to be provided with ways in which it can act.

However, we are recommending keeping the ability to appeal to the governor in council to set aside CRTC decisions. We believe in the current system. The important point is to establish clear objectives that the CRTC must follow in the years to come. In that way, the CRTC will be able to set requirements that accommodate our concerns.

Mr. Martin Champoux: A bill like this one is huge. As you know, it is missing a lot of things that we would like to add. But we will perhaps not have the time to do everything.

What do you think of the idea that the Bloc Québécois has proposed: a mandatory review of the Broadcasting Act every three or five years? That could ensure that, with the industry evolving so rapidly, we would let nothing escape us and we would not end up with injustices in the area.

Mr. Gabriel Pelletier: The Copyright Act has a similar mechanism. We are aware that reviews of that kind are difficult and complex.

The world is changing so quickly. Bill C-10 is already playing catch-up. It is really urgent to act. That has been said over and over again. So it is a good idea to review—

The Chair: Thank you, sir.

[English]

You have my apologies.

[Translation]

Ms. McPherson, you have the floor for two and a half minutes.

[English]

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

I'm going to go back to Mr. Wenté, if I could.

This committee has heard from a number of different organizations, including members from the APTN, who spoke about their concerns with Bill C-10. I also think that Bill C-10 needs to be stronger.

I'm curious as to whether you could point out what exactly you like about this bill. You spoke of the importance of storytelling and broadcasting legislation that ensures our stories reflect the diverse stories and voices of our country. How do you think this bill will ensure that first nations, Métis and Inuit stories are heard?

• (1310)

Mr. Jesse Wente: I think the big piece was the dropping of the qualifiers around the need for indigenous content to be represented within the Canadian broadcast system. As you know, the previous legislation used the phrase, I believe it was, “when resources become available”. Of course, in practice, resources never became available, or if they did, they became available very recently. Most of the indigenous-specific funding is less than a decade old. I think that's where we take encouragement.

We would agree with and support our colleagues at APTN, the REMC, as well as the black journalists association, in their calls. We think that those calls are very appropriate.

The biggest move was to drop those qualifiers, which we think should allow the Governor in Council to direct the CRTC to look at ways to enforce the presentation or the production of indigenous content and the dissemination of it within the screen sector.

Ms. Heather McPherson: Knowing that those are some of the things you'd like to see, do you think it would be better to have

more transparent communication on what the CRTC directive would be? Would it be more valuable if you could get more of that information available?

Mr. Jesse Wente: Yes, of course. More information is always valuable.

We think that those directions need to be very clear and that the supports are in line with what we see in terms of French and English already.

I would agree with Valerie. We don't need to reinvent the wheel. What we need to do is to make sure that wheel is applicable to all of the communities we're trying to serve within the screen sector.

Ms. Heather McPherson: Thank you very much.

The Chair: Thank you, Ms. McPherson. I have to leave it at that.

Folks, thank you to everybody for participating.

I want to thank Association des réalisateurs et réalisatrices du Québec, Canada Media Fund and Indigenous Screen Office for providing valuable information.

We now will adjourn until Friday, February 26.

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>