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Chair: Mr. Scott Simms



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• (1235)

[English]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): I call the meeting to order. Hello, everyone. Welcome to what we legendarily call “clause-by-clause” on Bill C-10.

I'm going to go through a few instructions. For those of you who are listening in the virtual world, I'm going to describe how clause-by-clause study is going to operate, in case you're not familiar with it. This is a brief explanation.

We will, for the next three hours, be going through this bill. As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill, each clause successively, and each clause is subject to a debate and a vote. If there are amendments to the clause in question, I will recognize the member who is proposing the amendment, who will explain it. Debate will follow, if there is a debate. When no members wish to further intervene, at that point, when the debate has settled, we will proceed to a vote.

The amendments will be considered in the order in which they appear in the bill package that you all have as members, and they will be numbered as such. If there are amendments that are consequential to each other, they will be voted on together. I'll inform the members when that situation occurs, or the legislative clerk will when need be. Given that we're all in a virtual world, that may happen more often than not. I'll be pleased to accept that interruption should we go awry. Pursuant to the House order of September 23, all questions shall be decided by a recorded vote, except for those decided unanimously or on division. Let me explain this for a moment.

We have three options here. When I say, “Shall the clause carry?” or “Shall the amendment carry?”, if I am greeted with silence, it will be accepted and carried. If you have issues with the clause or the amendment but you don't wish to go to a vote, you can say, “On division”, and it will be carried on division. Just make sure that someone says, “On division” if you wish it to be passed that way. Finally, if we have someone saying, “No”, or if people have big issues, we will go to a recorded vote. I'll ask our clerk to proceed with a recorded vote when necessary.

That said, you have your package of amendments. For those who are listening in the virtual world through the webcast, I will explain how it works.

We have amendments from six different streams, and they will be labelled as such. For example, the first one we will deal with is PV-1. PV is *Parti vert*. It is the Green Party amendment. The Green

Party members are not full-time members of the committee, but they are allowed by law to introduce amendments to this bill. They do not have the ability to vote, but they certainly have the ability to introduce amendments and to debate them. One note about this is that all motions by the Green Party will be deemed moved because of the situation of not being on the committee. All the other amendments have to be moved by the mover when need be. I'll notify that person when their number comes up.

I'll use the example of the first amendments. We have PV-1. We also have LIB-1. These amendments will be coming from the Liberal members on the committee. We have CPC-1, which will be coming from the Conservative members on the committee. We have BQ-1 coming from the Bloc Québécois. We also have NDP-1. These amendments will be coming from the New Democrats. The final category is G, as in amendment G-1. These amendments will be moved by our members from the government, because the government may amend its own bill. Such is the democracy that we have.

Moving on, the other item I would like to bring to everyone's attention is about subamendments. Members are permitted to move subamendments. The subamendments must be submitted in writing, or by email for members participating virtually, as we are, in this world. They do not require the approval of the mover of the original amendment. If you're subamending, the subamendment is voted on first. Another subamendment may be moved, or the committee may consider the main amendment and vote on it. Only one subamendment at a time may be considered. We can't do two subamendments based on the original amendment. We'd have to vote on that and then move another one. I hope I made that somewhat clear.

Once every clause has been voted on, the committee will vote on the title and then on the bill itself. An order to reprint the bill may be required if any amendments are adopted, of course. We send that back to the House for report stage. In fact, the committee orders the chair to report the bill to the House. The report contains only the text of any adopted amendments, as well as an indication of any deleted clauses.

• (1240)

I thank the members for their attention.

Here are a couple of other items.

Yes, folks, I've seen some of your input, and we will be having a health break. Accordingly, some time between one hour and an hour and a half from now, we'll do so. If I see people fidgeting in their seats, I'll do it right away—forthwith, if need be.

Nevertheless, I also want to say welcome. As we normally do in clause-by-clause examination, we also bring in guests from the department—in this case, of course, the Department of Canadian Heritage. They will be available to us—virtually, of course—for questions, if we have any regarding an amendment, subamendment or the bill itself.

I want to welcome to our virtual world and our world of small squares on the screen Thomas Owen Ripley, the director general, broadcasting, copyright and creative marketplace at the Department of Canadian Heritage. We also have Drew Olsen, senior director, marketplace and legislative policy; and Kathy Tsui, manager, industry and social policy, broadcasting, copyright and creative marketplace. As I've said to her before, that's probably the largest business card I've ever witnessed. We also have Patrick Smith, a senior analyst, marketplace and legislative policy.

Thank you to our guests for being here today.

I need to recognize one member at the very beginning.

Ms. Dabrusin, are you there?

Happy birthday, Ms. Dabrusin.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you. This is a great way to spend my birthday.

[*Translation*]

The Chair: We're honoured to have you, in that case.

That being said, we're going to move ahead now with clause-by-clause study.

Buckle up, folks. This is the fundamental core of parliamentary democracy at its best. It's going to be an exciting time—so exciting that we'll probably sell the story rights to Netflix.

I'm kidding, just kidding; we're not going to do that. I don't think we can do that to any broadcast undertaking.

Let's get moving, pursuant to the order of reference of Tuesday, February 16, 2021, we are examining Bill C-10, an act to amend the Broadcasting Act and to make related and consequential amendments to other acts.

Pursuant to Standing Order 75(1), consideration of the title is postponed to the end. It's normally the first thing you see in the bill, but we will deal with the title at the end of this clause-by-clause session.

(On clause 1)

We're going to proceed in the first place, as you may have guessed, to clause 1. Since it has already been deemed moved, we will start with amendment PV-1.

I am looking to the side of my screen, where I see all the names. I want you to raise your hand if you want to move or wish to speak to a particular amendment.

That being said, right on cue, Mr. Manly, we welcome you. You, sir, have the honour of going first, with amendment PV-1.

[*English*]

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

First of all, I thank Ms. Dabrusin and wish her a happy birthday. It's actually my sister Heather's birthday as well, so I wish my sister a happy birthday along with that.

As you mentioned, I'm not an official member of this committee. Despite the fact that the Green Party got 1.2 million votes in the last election, clearly one-fifth of what the Liberals and the Conservatives got but 50 times fewer seats than the Liberals and 40 times fewer seats than Conservatives, because we don't have official party status, I do not have a voice or a vote on committee. However, I have been studying this bill. I've followed the witness testimony in committee and I've had my own meetings with a number of organizations so that I could question them myself.

This amendment adds a definition of “community element” to the act. The broadcasting policy for Canada in the act states that the Canadian broadcasting system comprises “public, private and community elements” and that each element “shall contribute in an appropriate manner to the creation and presentation of Canadian programming”. However, there is no definition of “community element”, nor is there a description of what an “appropriate manner” means.

Community element is needed now more than ever. It's the voice of smaller communities and minority voices. It's a platform for democratic discourse. It's a way for media literacy, a training ground for people in communities who want to learn about broadcasting and television and radio, and it's an incubator for Canadian talent.

I've had some discussion with members of the committee and the word “non-profit” stuck out to them, because the definition in the amendment as written says:

“community element” means the participation of members of the community in the non-profit content production of community media in the language of their choice, as well as in the day-to-day operations and administration of community media;

Many of these community television organizations are connected to major cable companies: Shaw, Rogers, Cogeco, and so on, which are for-profit companies. However, when the cable companies got their monopoly to provide cable in a community, part of that was to provide community television. The intent of community television was for it to be non-commercial. That might be a better word than “non-profit”, but rather than trying to cram a program into 22 minutes so that you could get eight minutes of commercials, there were no constraints on that. There are no commercials on community radio or community television. There are sponsorships from businesses for programming, but it is not the same as the commercial radio or commercial television.

Therefore, I'm hoping that the members of the committee will support this definition and that they see the need for changing the word "non-profit" to "non-commercial". This might need to be done, but I think it's important to define what the community element is in the act.

Thank you.

• (1245)

The Chair: Thank you, Mr. Manly.

Once again, just before we go to Ms. Dabrusin, I want to remind everybody that once you put your hand up to speak, can you please help us out by lowering your hand when you're done? Otherwise, there will be a lot of legacy hands in the room and I can't figure who wants in and who wants out—pardon the expression.

Ms. Dabrusin.

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

I thank Mr. Manly, because it's clear he put a lot of thought into the amendments that he has put forward and I appreciate that he's taken the time to highlight the community aspect of programming and of the Broadcasting Act.

I have had conversations with Mr. Manly and I would like to propose a subamendment that would amend his amendment by removing the word "non-profit". I agree absolutely with the intent and think it's a great thing, but the problem is that including those words could actually have an impact on funding available for community programming, community broadcasting, in a negative way. I want to make sure that we maintain that open field and that we do not negatively impact community broadcasting. Therefore, I suggest that we remove the words "non-profit", please.

The Chair: Thank you, Ms. Dabrusin.

If everybody can look at their package, you'll see PV-1 starts with the paragraph, "community element", and so on and so forth. What we are now debating as a subamendment is simply removing "non-profit".

Do I see any comment on the subamendment for this discussion on PV-1?

Seeing none, I'll call a vote.

I'm greeted with silence; therefore, it is accepted.

(Subamendment agreed to)

Now that it has been amended, we'll go to the main amendment.

Mr. Shields, go ahead.

• (1250)

Mr. Martin Shields (Bow River, CPC): Are we back on the main amendment?

The Chair: That is correct.

Mr. Martin Shields: In reference to what Mr. Manly is talking about with this amendment, could he give us some examples?

Definitions are tough. I understand that. It's referred to in the sense of the community elements. Could he give us some examples

of how this definition would clarify, such as specifics of what would happen?

The Chair: I don't see your hand up, Mr. Manly. Obviously, you don't have to respond, but there's a question out there if you wish to.

Mr. Paul Manly: Yes.

The community element is really about community cable and community radio. It's a non-commercial element to broadcasting. Here in my riding of Nanaimo—Ladysmith, we have CHLY Radio, which is a community college radio station. It's a non-commercial radio station. Students and community members can use it for a learning process. They can pitch shows to the programming committee and then they put together radio shows. They can be talk shows. They can be music shows. There are a series of rules they have to follow in terms of Canadian content for music. With television it's the same thing.

There was a time when you learned about community television through shows like *Wayne's World*. I started in community television in 1986 at Skyline Cable in Ottawa, before going to school to study broadcasting. That was where I learned about all the different processes for broadcasting. It's what inspired me to go into television.

It's also a place for organizations and community members to be able to have a public discourse to bring their ideas forward. Because it's non-commercial, it's not driven by the element of money and trying to sell eyeballs to advertisers. The purpose is really to bring the community voice into the broadcasting system. It's really important in terms of things like democratic debates. On our community television station here and on community radio, we get debates for city council elections, provincial elections and federal elections. It gives another opportunity for people to hear what's happening in their community.

There are many different ways that community television and community radio are used. The key thing is that it's not a commercial entity, so there isn't an impetus to have to sell eyeball time for commercials. That's a really important element for our democratic system, for open discourse, and as a training ground for people who want to learn about broadcasting and who want to bring their talents forward.

We've seen lots of people who've worked in community television go on to have careers as actors. Tom Green, from Ottawa, is one example. There are lots of examples of people who started their career fooling around on community TV.

The Chair: Mr. Shields.

Mr. Martin Shields: We've changed the definition from non-profit, so in terms of the funding mechanism, where will they go to get the funding? Where have they gone? How does this continue on in the sense of funding now that you've changed it from non-profit?

The Chair: Mr. Manly, you may answer if you wish.

• (1255)

Mr. Paul Manly: I would actually propose that we replace "non-profit" with "non-commercial" because that is the original intent of these programs.

Traditionally, the funding for these types of programs was that the cable companies had an agreement to provide access to community television as part of their monopoly. For community radio, it's a similar thing, and some funds come through from different levels of government. With our community radio station, funding comes through certain student service payments as part of the university's agreement with the radio station.

There are different models of funding for it. The key thing is it's not a commercial entity, so it's not driven to sell commercial air-time. When you have programming where the intention is to sell commercial time to advertisers, the content of the program changes.

In community television and community radio, there are professionals who work in these stations, but the intent is not for it to be professionalized and it's not for it to be commercial.

The Chair: Mr. Waugh.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): I would like to thank MP Manly for all his years in community broadcasting.

What I've seen is that you get Access Communications in Saskatchewan. They have the label of community television, but yet they do pay people. They do charge through cable subscriptions. There seems to be a little disconnect here, because I think Rogers and maybe even Bell also own community television stations. It's not really non-profit, because in that case, I would think, Bell or Rogers or Access Communications.... In Saskatoon it used to be Shaw that had the community station.

These are big conglomerates that on the TV end of it look after community television, more so than happens with radio, I would say. You're right on the radio, but I do have some issues on community television. They are owned by well-known companies like Bell and Access and Rogers and so on.

The Chair: Mr. Manly, I see your hand up. Do you wish to speak to that?

Mr. Paul Manly: Yes.

Not all community television stations and not all community radio stations are owned by these large companies. Where the community television is owned by these large companies, it's where they have continued on after this mandate where part of the subscriber fees paid for these community television stations. The cable companies had a choice about putting money into the Canadian media fund or into community television, where that was switched up a few decades ago. Prior to that, they had to provide community access television.

I agree that Shaw and Rogers and Cogeco and Bell are not non-profit companies, but the intent of the actual programming is to be non-commercial. I think that's the important point.

The Chair: Thank you, Mr. Manly.

Seeing no more hands up, we will call for a vote on PV-1 as amended.

(Amendment agreed to [*See Minutes of Proceedings*])

We will now move to PV-2.

Mr. Manly, you're up again. My goodness, you're very busy off the top.

Mr. Paul Manly: Thank you.

Again, this is adding to the definition of a community program:

“community program” means a program created by a non-profit community media organization;

This is typically how this happens. Again, we'll probably want to remove the word “non-profit”, because some of these activities take place in Shaw or Rogers or other huge corporations. This just adds the definition. Non-profit community media organizations are an essential component of the Canadian broadcasting system, and they need to be recognized as such. Hopefully, we can just amend this to say “non-commercial” community media, because I think that defines it in the way that it should be defined.

You know, I went into broadcasting through community television. I went to broadcasting school and then worked professionally in the industry for 25 years, producing lots of documentaries and working on hundreds of serious TV shows. This is an entry for many people. I think it's important to keep this aspect of our broadcasting system alive and well defined.

Thank you.

• (1300)

The Chair: Thank you, Mr. Manly.

Ms. Dabrusin.

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

This is an important conversation about community broadcasting. I know that when we get to LIB-3, there is in fact specifically a part that goes to supporting community broadcasting.

I have up on my other screen here the original Broadcasting Act. Looking at that, we don't define different forms of programming in our definitions. We're getting in the weeds a bit on the definitions. I don't believe this is actually a helpful addition. We do have specific additions to support community broadcasting and respect the importance of it, but this isn't another definition that we need to add into our definitions section.

I will not be supporting this amendment.

The Chair: Seeing no one else who wishes to volunteer their thoughts on this, we now go a vote.

Shall PV-2 carry?

Mr. Clerk, can we have a recorded vote, please?

(Amendment negatived: nays 10; yeas 1)

Ms. Heather McPherson (Edmonton Strathcona, NDP): I was a yea, does that...? Oh, I'm the only vote, never mind.

The Chair: I want to point out—no reflection on Ms. McPherson here—folks, if you want to get in on the conversation, please ask to get the attention of the chair. The reason I say this is, for our lovely folks at Hansard, the world is much easier if I identify who is speaking first. It's bad enough in the real world when we're all in one room, but in the virtual world, it makes it that much more difficult, so thank you very much.

That being said, after our first recorded vote, that leaves PV-2 negatived.

We now go to BQ-1. I have to put this forward before we start debate on it. The vote on BQ-1 applies to BQ-24, as they are consequential, so the result of this amendment will be consequential for BQ-24 later on in your package, for those of you keeping score.

Did I see Mr. Housefather?

Mr. Anthony Housefather (Mount Royal, Lib.): Yes, Mr. Chair. It was just a question for you, sir.

Given the way we're voting, would it be okay, when you ask for the vote, for us to simply raise our hands? Then any member can call for a recorded vote if they want to, but we don't necessarily need to go through recorded votes. You can just say it's defeated on division if you see the hands and nobody asked for one. This is so that we can move faster.

The Chair: Thank you, Mr. Housefather.

I'm kind of loath to make things up as I go along here. I have instruction on three different ways. Given the fact that we're in this new virtual world and this is a new system for us, I'm reticent right now. I'm going to use the same method as before, but during the first health break, I'm going to consult and I'll see, okay?

Normally, I would say no, but I don't want to make this decision right now until I consult with everyone to see how they feel about doing that and whether it's okay with the technical staff to record and so on. I'll leave it for now; I'll deal with it during the health break.

Thank you, Mr. Housefather.

We are now back to BQ-1. I don't see anybody's hand up.

Monsieur Champoux, if you're with us, do you want to go ahead?

• (1305)

[*Translation*]

Mr. Martin Champoux (Drummond, BQ): As you said earlier, Mr. Chair, this is a consequential amendment to amendment BQ-24, which concerns clause 7 of the bill and appears on page 86 of the document listing the amendments.

How do you want us to proceed, Mr. Chair? Do you want us to consider amendment BQ-24 right away, so that we can pass amendment BQ-1, or would you like us to come back to it later?

[*English*]

The Chair: They are of consequence to each other, obviously because of the similarities, but I would prefer that you debate BQ-1, assuming that you just moved it. Therefore, I'd suggest that you continue debate on BQ-1 for now.

[*Translation*]

Mr. Martin Champoux: The amendment simply adds, to the definition of “control,” a reference to proposed new paragraph 9.1(1)(m), which concerns continued Canadian ownership and control by broadcasting undertakings.

If you have any questions, we can talk about this.

[*English*]

The Chair: All right. Ms. McPherson is next. Then I'll go to Ms. Dabrusin.

Go ahead, Ms. McPherson, please.

Ms. Heather McPherson: I just want to get some clarity from Mr. Champoux on the intention of this, so if he could explain that to me a little more, that would be great.

The Chair: Ms. Dabrusin, I have you next. Do you mind if I go to Mr. Champoux on the question that was put forward, so we keep it fresh? Thank you very much.

[*Translation*]

Mr. Champoux, you have the floor.

Mr. Martin Champoux: Mr. Chair, the legislative drafters added this amendment specifically because it relates to amendment BQ-24. Perhaps a member of the Office of the Law Clerk and Parliamentary Counsel can provide an explanation. This would be more enlightening than if I tried to justify the new amendment myself.

[*English*]

The Chair: Before we go to Ms. Dabrusin, I just got clarification on something, Mr. Champoux. I apologize for my wording, but you can speak to both amendments right now. I was sort of clumsy in my wording—I apologize—because I gave you the impression to speak to only that one and not the other one. Because they are consequential to each other, you can certainly speak to both of them, so I apologize if I have led you down the wrong path. I'm sorry about that.

Ms. Dabrusin, you have the floor.

Ms. Julie Dabrusin: I have a question. I don't know if Mr. Champoux wanted to speak about that part as well right now, because I'm happy to give him that opportunity to speak about his other amendment, and then we can talk about how this piece fits in.

Does that make sense, Mr. Chair?

The Chair: It does. Monsieur Champoux.

[*Translation*]

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

The amendment in question, which you'll find on page 86 of the package of amendments, refers to the following proposed subsection 9.1(1) of the bill:

9.1(1) The Commission may, in furtherance of its objects, make orders imposing conditions ... that the Commission considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1), including conditions respecting

...

Amendment BQ-24 adds the following after paragraph 9.1(1)(j):

(k) the proportion of programs to be broadcast that shall be original French language programs, while ensuring that these programs represent a significant proportion of Canadian programs;

(l) the proportion of programs to be broadcast that shall be devoted to specific genres in order to ensure the diversity of programming; and

(m) continued Canadian ownership and control by broadcasting undertakings.

The last paragraph may be the one to keep in mind. As a result of this proposed amendment, the legislative drafters suggested that we add the other amendment, since it affected the definitions, including the definition of “control.”

• (1310)

[English]

The Chair: Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: I appreciate that Mr. Champoux clarified what the full purpose of this amendment is, because we have heard from stakeholders about the importance of the Canadian ownership part, and that's something I've seen raised by a number of different parties in different ways. I think there are a lot of people who are trying to sail that ship in that direction, and it's a question of how we do it and what the right words are.

I thought it might be helpful for this one if I could get the department's assistance, because it seems to me like a technical piece as to the right place and way to deal with this ownership question.

The Chair: Thank you, Ms. Dabrusin.

We're going to go to the department, and I'm going to have a show of hands as to who would like to respond to Ms. Dabrusin's question.

Mr. Ripley, go ahead, please.

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

I will likely call on my colleague, Mr. Olsen, as well.

Just to give the context, the government included the definition of “control” in Bill C-10 as it currently exists to provide some context in the case of how it should be interpreted in certain provisions so that the definition of “affiliate”.... It's relevant when thinking about the relationship with social media companies, which we'll have an opportunity to talk about later, I'm sure. It's important in that context to have an understanding of what it means when an affiliate is under the control of another corporation.

Then, in the context of proposed subparagraph 9.1(1)(i)(i), I think perhaps Mr. Olsen can indicate why we felt it was important to have a definition of “control” in that context.

The Chair: Seeing no other hands raised and that the debate has collapsed, I'm going to have to call for the question.

We are on BQ-1.

Shall the amendment carry?

With silence, the amendment is now carried.

Ms. Julie Dabrusin: I think it was a no. Sorry.

I was waiting for Mr. Olsen, actually. I thought Mr. Olsen was supposed to speak. I might have been confused.

The Chair: I apologize. I didn't see his hand.

Let me back up a bit.

Mr. Olsen, perhaps you'd like to weigh in as well.

Mr. Drew Olsen (Senior Director, Marketplace and Legislative Policy, Department of Canadian Heritage): Thank you, Mr. Chairman.

The reason we added “control” in paragraph 9.1(i) was just to make sure it was clear that the ownership and control transactions would be not just the control of the legal shares, but also any potential control in fact of the company by somebody else.

When the CRTC processes ownership transactions it typically looks at this. We just wanted to make it clear that “control” in this context includes the “control in fact” situation, as opposed to just legal control of the number of shares and voting shares, for instance.

The Chair: Thank you very much.

Something just happened and I wanted to clarify it to everybody. Because we are in this virtual world, and sometimes Internet connections can drop and come back in and so on and so forth, I'm going to be lenient. If I say that a clause or an amendment is carried and you try to interrupt me within a reasonable amount of time to say that something happened technically, I will, under the chair's prerogative, go back and deal with it again.

However, I won't be in a position for you to say, “Chair, can we go back three pages and an hour ago to this amendment?” For that I'm going to have to rely on the older way of doing things.

I will provide some leniency, given the fact that we are in a virtual world.

Go ahead, Mr. Housefather.

Mr. Anthony Housefather: Mr. Chair, I have a question for the department, if you'll permit me.

As I understand it, this is changing the definition of control from juridical control to de facto control and incorporating it. I also understand that you've ruled that it's relevant to Bloc Québécois amendment 24, which has three different parts, (k), (l) and (m).

I'm wondering two things from you, Mr. Chair. The Bloc Québécois amendment, BQ-24, is relevant to this in the sense that if (m) goes through you want a definition of control that you're applying here. Would you be ruling that BQ-24 would thus not be able to be debated for (k) and (l) in the event that this definition were defeated? I ask because (k) and (l) are entirely different from (m).

I would like to ask the department: Because we're changing the definition of control in terms of an affiliate, does this impact other parts of the act? What is that impact, besides the change that would be made in BQ-24?

• (1315)

The Chair: Can I have a hand from the department? Let me just address that one first.

Go ahead, Mr. Ripley.

Mr. Thomas Owen Ripley: The current scope of the definition would apply only to the definition of affiliate and then the paragraph in 9.1 that Mr. Olsen spoke about.

If I understand correctly from Mr. Champoux, the amendment being referenced in BQ-24 has a reference, it seems, to Canadian ownership and control. I think the relevant question in that context is whether the definition of control here makes sense in light of that other amendment that he is proposing.

What I would highlight in the case of Canadian ownership and control is that, as the committee is aware, there is a very detailed direction that sits on the books to the CRTC. It actually, in a very prescriptive way, indicates when a Canadian broadcaster, cable or satellite company is under either direct or indirect control and has percentages of voting shares and whatnot.

The only thing the committee may want to consider is whether that would change some of the legal threshold for what constitutes control indirectly, by subjecting it to this definition for control as opposed to leaving it up to the Governor in Council—as is currently the case—to set those thresholds for when something is considered to be under Canadian control or ownership.

The Chair: Thank you, Mr. Ripley.

Mr. Housefather, I hope this clarifies what you were asking. In the case of this, the consequence of the consequential amendments will be this. If BQ-1 is accepted, passed and carried, then so would BQ-24, but if BQ-1 is defeated, then we will still discuss BQ-24 when the time arrives.

I see you're nodding. Thank you.

[*Translation*]

Mr. Rayes, you have the floor.

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

I want to make sure that I fully understood your last comment. If we pass this amendment, amendment BQ-24 will be deemed adopted. Is that right?

[*English*]

The Chair: Yes, that is correct. If you would like further explanation, I can call on the legislative clerk.

[*Translation*]

Mr. Alain Rayes: Yes, please. After that, I'd like to ask the question that I originally intended to ask.

[*English*]

The Chair: Okay. We'll go to our legislative clerk, Monsieur Méla, please.

Mr. Philippe Méla (Legislative Clerk): Thank you, Mr. Chair.

[*Translation*]

Mr. Rayes, if amendment BQ-1 is passed, amendment BQ-24 will also be passed, since there's an internal reference between the two amendments. That's why.

Mr. Alain Rayes: Perfect. Thank you.

The Chair: You can continue, Mr. Rayes.

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

After hearing from the experts, I'm reminded of the following expression: you can't be too careful. We think that Mr. Champoux's amendment is very good.

• (1320)

[*English*]

The Chair: Mr. Champoux, did I see your hand up earlier? Do you wish to speak?

[*Translation*]

Mr. Martin Champoux: No, Mr. Chair. I'm ready to vote.

[*English*]

The Chair: We will now proceed to a recorded vote on BQ-1.

(Amendment agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

The amendment is carried.

As a consequence, as I mentioned earlier, BQ-24 is carried as well.

Folks, we are now on G-1. Before we start debate, just a note of interest: If G-1 is adopted, BQ-2 cannot be moved. It would create two definitions of the same term in the act.

Let's now proceed with G-1.

[*Translation*]

Ms. Bessette, you have the floor.

Mrs. Lyne Bessette (Brome—Missisquoi, Lib.): At this point, Bill C-10 doesn't define "indigenous peoples." It would be good to list them: first nations, Inuit and Métis people.

The Chair: Okay, thank you.

Mr. Champoux, you have the floor.

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

I'd like some clarification with regard to Ms. Bessette's explanation. When I read the amendment, I can see that it refers to the content of the Constitution Act, 1982, without identifying the indigenous peoples. Does this mean that she would prefer that they be included in the bill?

Mrs. Lyne Bessette: May I respond, Mr. Chair?

[*English*]

The Chair: Madame Bessette, go ahead.

[*Translation*]

Mrs. Lyne Bessette: To answer Mr. Champoux's question, I think that we should recognize first nations, Inuit and Métis people in this bill, since they have three distinct cultures. The amendment proposes to add the definition of "indigenous peoples" found in the Constitution Act, 1982, to clause 1 of Bill C-10. However, I'd like the indigenous peoples to be listed, if you agree.

Thank you.

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

Mr. Martin Champoux: I gather that Ms. Bessette is proposing that we withdraw her amendment and instead vote on amendment BQ-2, which proposes a definition that specifically addresses and identifies first nations, Inuit and Métis people.

Is that right?

• (1325)

The Chair: One moment, please

[*English*]

I'm going to go to Ms. Bessette, and then I'll go to Mr. Rayes.

[*Translation*]

Ms. Bessette, you have the floor.

Mrs. Lyne Bessette: The definition in the Constitution already refers to them, Mr. Champoux, so it amounts to the same thing.

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

Mr. Alain Rayes: Could someone confirm the information that Ms. Bessette just provided? I think that's the reason for the confusion with regard to these two amendments.

Basically, our party supports both amendments. However, since we need to study one amendment before we can study the other, we want to make the right choice. We don't want to eliminate the Bloc Québécois amendment if the communities aren't listed in Ms. Bessette's amendment.

Could an expert check the information provided by Ms. Bessette?

[*English*]

The Chair: Madame Bessette, did you want to address that again? I see your hand is still up.

Mrs. Lyne Bessette: No. Sorry.

The Chair: We're going to call for a vote on G-1.

(Amendment agreed to [*See Minutes of Proceedings*])

As a consequence, of course, BQ-2 has now not been moved.

We now go to PV-3.

Mr. Manly.

Mr. Paul Manly: Thank you, Mr. Chair.

In combination with PV-5—that the broadcasting system shall be effectively owned and controlled by Canadians—this amendment would clarify that foreign undertakings can still provide broadcasting programming to Canadians and are still subject to the act despite the system being Canadian controlled.

In PV-5, the bill removes the section of the act that asserts that the Canadian broadcasting system shall be effectively owned and controlled by Canadians. This amendment would maintain what's currently in the act. Ownership and control are essential for Canada's national identity and cultural sovereignty. Many organizations are concerned about the removal of ownership and control by Canadians, including the Coalition for the Diversity of Cultural Expression, the Société des auteurs de radio, télévision et cinéma, Canadian Senior Artists' Resource Network and the Forum for Research and Policy in Communications.

The amendment of PV-5 should be paired with PV-3, which would clarify that foreign undertakings can still participate in a system that is owned and controlled by Canadians.

Thank you.

The Chair: Ms. Dabrusin.

Ms. Julie Dabrusin: Thank you.

This is one of those places where the concern is that what might sound good might actually lead to a more complicated and unintended consequence. Looking at this amendment, the way it works could actually suggest that other classes of broadcasting undertakings do not include foreign broadcasting undertakings. It could lead the readers—someone who's looking at it—to conclude that the act does not apply to foreign BDUs, and therefore they could operate in Canada without a licence.

It could end up creating that opening. Goodness, I practised law for many years, so I know this. My job was all about trying to find those openings. To have that unintended consequence, someone could say that in fact the bill has a smaller scope than it is intended to.

The Chair: Seeing no other hands raised, I will call for the vote.

Shall PV-3 carry?

Ms. Julie Dabrusin: No.

The Chair: Hearing no, Madam Clerk, we will now go to a recorded vote.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

We will move on to NDP-1.

Before we start that debate, if NDP-1 is adopted, then BQ-3 cannot be moved, due to a line conflict. Let me explain that line conflict for just a moment. The two amendments are regarding the same line. If NDP-1 is adopted, the line in the original bill changes, and therefore the BQ amendment would not pertain to the original.

I hope that was discernible. That's basically what the line conflict is. If NDP-1 is adopted, BQ-3 cannot be moved due to a line conflict. They are both going after the same thing.

Ms. McPherson.

• (1330)

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

On the amendment that we've put forward, the objective, of course, is to modify the definition of control of programming to ensure that companies meet their obligations regarding discoverability. We all heard about how important that was during the testimony. Certainly, through the many meetings I had with the people who were interested in this, this became something that was vitally important.

The CRTC must not only be able to ask but also be able to verify whether software is designed to be compliant. It also needs access to the relevant data to study user interactions with interfaces and to evaluate the effectiveness of the recommendations. Therefore, the amendment includes algorithms in order to take account of technological developments, programming control and the requirement of discoverability.

The Chair: Thank you.

Mr. Housefather.

Mr. Anthony Housefather: Thanks.

I appreciate the amendment, because I understand the issue of algorithms to be incredibly important, although I know we'll be dealing with that in upcoming legislation.

I have a question for Ms. McPherson or the department officials, whoever can answer it better. Is it the intent that online undertakings that transmit user-generated programs now be responsible for all of the contents under the requirements of paragraph 3(1)(h) of the act, given this amendment? That would seem to be really onerous. I'm wondering if you could clarify if that's the intention.

The Chair: Mr. Housefather, may I ask which one you prefer—the department officials or Ms. McPherson?

Mr. Anthony Housefather: Perhaps the department officials can clarify and then give Heather a chance to also explain. I'm interested in hearing from both of them as to the intent.

The Chair: Thank you very much.

I'm looking for the show of a physical hand, not a virtual one, from the department.

Mr. Ripley.

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

Indeed, the definition of “programming control” was modified by, as I understand it, what Ms. McPherson is proposing. What it could mean is that certain online undertakings.... Depending on the scope of what that means at the end of the day, particularly in cases where social media platforms may be included under the act, modifying the definition of “programming control” in this way would make them responsible for any content that their recommender algorithms could recommend, even in instances where they have not necessarily curated it.

The definition commonly understood in broadcasting has come out of the conventional sense, where we know a broadcaster is commissioning a piece of content and choosing to include it on its lineup. If the definition were modified in this way, it would certainly expand the scope of programming control significantly. Depending on where the scope of online undertakings ends up, the implications could be quite significant. You could be asking companies to be responsible for content that their recommender algorithms are recommending or servicing, even in instances where they may not have been involved directly in the commissioning or the creation of that content.

• (1335)

The Chair: Ms. McPherson.

Ms. Heather McPherson: I don't know that I necessarily agree with that, because my understanding is that with social media there is that exemption that is in place. Also, one other thing that we talked about is the idea of algorithms and curation being separate. I think it's important that we have that, and that we recognize the important role that algorithms play. I don't think it is intended to cover all social media, because that's not what's in this bill.

[*Translation*]

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

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

I want to speak to my colleague, Ms. McPherson.

I don't want to draw attention to the amendment that we're proposing, amendment BQ-3. However, isn't specifying the possible methods involved somewhat limiting? For example, if our wording simply referred to the selection, recommendation and prioritization of programs, without necessarily specifying any methods, this would include all methods used to make the selection.

I certainly expected a great deal of debate about the concept of algorithms. However, I wonder whether we need to include it, since it's implied.

[*English*]

Ms. Heather McPherson: If we don't name them, the worry is that they are not included—that they are not actually part of what is put forward. I think it is really vital that they be included. That is my understanding: that we need to have some insight into that, because the way modern technology goes and the way modern communications happen, those algorithms are key. I think it's important to name them. I understand what you're saying—that it might be limiting—but I think if we don't name them, there is the potential for them to be excluded.

The Chair: Thank you.

Seeing no further debate, shall NDP-1 carry?

(Amendment negatived: nays 10; yeas 1)

Now we go on to amendment BQ-3.

[*Translation*]

Mr. Champoux, you have the floor.

Mr. Martin Champoux: It's similar to Ms. McPherson's amendment, except that it doesn't identify the methods. I think that, by simply stating what we want to define, without necessarily using specific terms, we would provide a clear understanding of the intent.

I'm open to questions, of course.

[*English*]

The Chair: Are there any comments?

Seeing none, we'll go to a vote.

Ms. Dabrusin, go ahead.

Ms. Julie Dabrusin: I have a question, because this has a lot of similarities to the last one that we just spoke about, but also some important differences.

I wonder if the department can clarify the impact of BQ-3. We talked a bit about the NDP one, but perhaps they could specify the difference in BQ-3.

The Chair: We are looking for department....

I see Mr. Olsen.

• (1340)

Mr. Drew Olsen: Thank you, Mr. Chairman. I'm happy to do that. Ms. Dabrusin, thank you for the question.

The first thing I see here is that there's a notion of including retransmission in this. Retransmission is cable companies retransmitting broadcast programs. For example, CTV broadcasts over the air, and then Rogers, Shaw or Videotron retransmits that to consumers, but they don't have any control over the programming that is in the CTV signal.

This definition appears to me to include the retransmission element, which would then give the Shaws, Rogers and Videotrons of the world responsibility, or deem them to be responsible, over the programming. They have the same issue now that we had in the last amendment with proposed paragraph 3(1)(h), and even the new proposed paragraph 3(1)(g) would apply to them, in terms of putting a burden on them for programming being of high standard and their being responsible for the programming. That's the first thing I've noticed.

Obviously, the new words there are also "recommendation or prioritization of programs or programming services", which don't appear in the current proposed definition in Bill C-10. That would change it, and I am not really sure how that would apply to the retransmission world and I'm not sure how an over-the-air broadcaster does recommendations.

I think that's meant to apply just to online, but I'm not sure how that would apply in the traditional broadcasting space.

The Chair: Go ahead, Ms. McPherson.

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

I just want to get one quick clarification.

I know this doesn't explicitly talk about algorithms, but I just want to clarify something with Mr. Ripley.

It was my understanding that you had told the committee that decisions made by algorithms were meant to be included in this bill. Is that accurate?

Mr. Thomas Owen Ripley: Thank you for the question, Ms. McPherson. It's a good one, in the sense that, as the committee knows, there are elements of Bill C-10 that give the CRTC powers to impose discoverability requirements on online undertakings. Certainly we understand that in those contexts, the ways that recommender algorithms are working are very relevant to the CRTC's work.

It's not a question of saying yes, they're within the scope of the act, and the CRTC would be able to ask for information from online undertakings such as Netflix or Crave about the way their algorithms are prioritizing or servicing Canadian content as part of those processes. The implication in this particular context is where the term "programming control" is used elsewhere in the act. For example, proposed paragraph 10(1)(c) says:

standards for programs over which a person carrying on a broadcasting undertaking has programming control

I think there's another regulatory power that also references it, so my previous comments were speaking to the potential implication of this—that again the committee would be extending the scope of those powers in potentially requiring companies that are simply in the business of retransmitting or distributing content made by others to suddenly be responsible for the standards or the content of that content.

• (1345)

[*Translation*]

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

Mr. Martin Champoux: Perhaps my interpretation requires an adjustment.

I'd like to make a clarification with regard to Mr. Ripley's response to Ms. McPherson's question.

In terms of retransmission undertakings, you gave the example of an undertaking that will rebroadcast or provide content on its platform. The programming undertakings still have some control over the recommendation and prioritization of programs. We aren't necessarily talking about the programs in a programming schedule, but about the available and accessible services.

In my opinion, these elements should be added to the definition of "programming control."

[*English*]

The Chair: Seeing no more discussion, we'll proceed to the vote.

Shall BQ-3 carry?

Ms. Julie Dabrusin: No.

The Chair: Hearing "no", we'll now go to a vote.

(Motion negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

We now move to NDP-2.

Go ahead, Ms. McPherson.

Ms. Heather McPherson: Thank you.

The purpose of this amendment is to delete this article of the bill, which allows social media such as YouTube and Facebook to escape regulation. It is also to prevent the situation that occurs when some broadcasters decide to supplement their own online broadcasting and thus circumvent the requirements to which traditional broadcasters would be subject.

The Chair: Okay.

Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: We respect that the matter of online harms is an important thing, and we're going to be dealing with it in upcoming legislation.

My concern about this amendment, in particular, is that it seems that it would actually extend the CRTC's ability to regulate social media users. The users piece is particularly important, because this is the Broadcasting Act. I don't believe any of us have the intention of actually, within the Broadcasting Act, starting to regulate what users choose to upload to social media. When I say "users", I mean individuals like any one of us, or people in our families and communities.

I would oppose this amendment.

The Chair: Seeing no further discussion on this amendment, we now proceed to the vote. Shall NDP-2 carry?

Ms. Julie Dabrusin: No.

The Chair: I'd like to call on the clerk for a vote, please.

(Amendment negated: nays 10; yeas 1 [See Minutes of Proceedings])

Before I go to the next one, I wanted to give you an alert. In 10 minutes, we have a health break. We have a lot of excited faces. Welcome to the world of Zoom.

We now go to PV-4.

Go ahead, Mr. Manly.

• (1350)

Mr. Paul Manly: I'll try to keep it short so we can get to that health break.

This bill excludes social media users from being subject to the act, but the act's application to social media providers is not defined. This amendment adds text to clarify that social media are subject to the act when undertaking broadcasting activities, without removing the exemption for social media users.

Further, the bill states that all persons who carry on broadcasting undertakings have a responsibility for the programs that they are broadcasting and over which they have programming control. Social media platforms should have responsibility for what is posted on their sites, and this amendment would at least make social media providers, not users, responsible for what they broadcast.

Thank you.

The Chair: Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: I have to admit this amendment I found to be a bit more confusing. Every now and then there are some amendments that are a bit more confusing to me in terms of how they may have an impact.

Perhaps the department can help me to understand what clarity this brings, if any.

The Chair: Go ahead, Mr. Ripley.

Mr. Thomas Owen Ripley: Thank you, Mr. Chair. Thank you, Ms. Dabrusin, for the question.

There is already language in the bill that clarifies that when a social media user is an affiliate—i.e., when they have a relationship with a social media company—they do not benefit from the exclusion. That is already part of the bill.

Based on what I understand Mr. Manly to be proposing, it is that he's proposing to simply clarify that the opposite is true—to explicitly state that when an affiliate is broadcasting, they don't benefit from the exception.

The government's perspective would be that this is already implicit in the current bill and therefore that this amendment would simply be stating the opposite reading.

Those would be my thoughts on it, Mr. Chair.

The Chair: Go ahead, Mr. Manly.

Mr. Paul Manly: Yes, that's correct. The intent is to make it explicit so that it's clear in the language.

The Chair: Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: As a question, does this, in addition to what we already have, add confusion or add clarity? That's really what I'm trying to get to here.

The Chair: Seeing no further discussion, we now go to a vote. Shall PV-4 carry?

Mr. Martin Champoux: No.

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

(Amendment negated: nays 10; yeas 1 [See Minutes of Proceedings])

Folks, I would ask that we try to get through this as quickly as we can with a simple vote. I appreciate the spirit in which it was done, Ms. McPherson, but for the sake of expediency I'm going to have to remind everyone about the yes and the no and whatever it may be.

Let's move on now. Again, we'll break in about six or seven minutes.

We're now going to LIB-1, and if you are listening from elsewhere, "LIB" means it's a motion put forward for consideration by Liberal members of the committee.

Go ahead, Mr. Housefather.

• (1355)

Mr. Anthony Housefather: Thank you, Mr. Chair, and thank you, colleagues.

I'm going to be relatively brief. This is the first in a number of amendments being brought forward by representatives of all parties to do some things.

[*Translation*]

The first recognizes that French is a minority language in North America and in nine of the 10 Canadian provinces.

[*English*]

It also recognizes that English is a minority language in Quebec. The amendment states that we have two official languages that we're very proud of in Canada and that we should be promoting them, and that the act should be interpreted and applied in a manner that supports the commitment of the Canadian government to enhance the vitality of both official languages—English and French—throughout Canada, and the official language minority communities in Canada.

[*Translation*]

We heard from representatives of francophones outside Quebec, francophones in Quebec and anglophones in Quebec. I believe that we must ensure that the act reflects Canada's priority goal of supporting both language communities and both official languages across the country.

I hope that the committee members will support this amendment. I'm ready to support the various amendments regarding the language issue that all parties will be introducing today.

Thank you.

[*English*]

The Chair: Seeing no further debate, we now call for a vote. Shall LIB-1 carry?

Mr. Martin Champoux: No.

The Chair: We will have a recorded vote.

(Amendment agreed to: yeas 11, nays 0 [*See Minutes of Proceedings*])

Now we go to CPC-0.1.

For those of you following along, this is a Conservative Party amendment, from the Conservative members of our committee. This is CPC-0.1.

Who do I see to move it? Monsieur Rayes, is that you?

[*Translation*]

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

The amendment is clear. It seeks to amend the bill by adding after line 35 on page 2 the following:

(2.2) A person does not carry on a broadcasting undertaking for the purposes of this Act whose transmission of programs over the Internet is

(a) ancillary to a business not primarily engaged in the transmission of programs to the public and is intended to provide information or services to clients;

(b) part of the operations of a primary or secondary school board, college, university or other institution of higher learning, a public library or a museum;

...

[*English*]

The Chair: Thank you.

Did everybody hear Mr. Rayes? The volume was a bit low for me.

By a thumbs-up, did everyone hear that?

Okay, great.

Go ahead, Mr. Housefather.

[*Translation*]

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

Since this amendment was submitted a little later than the others, I haven't had the opportunity to study it in depth. I'd like to ask the departmental officials to explain the impact of this amendment so that I can have a better understanding.

• (1400)

[*English*]

The Chair: Can I ask for a show of hands?

[*Translation*]

Mr. Thomas Owen Ripley: I can respond, Mr. Chair.

Thank you for the question, Mr. Housefather.

I gather that Mr. Rayes' amendment appears to propose exceptions, to clarify that certain undertakings aren't broadcasters within the meaning of the act.

However, the bill already specifies that the CRTC, when implementing the regulations, "takes into account the variety of broadcasting undertakings to which this Act applies and avoids imposing obligations on any class of broadcasting undertakings if that imposition will not contribute in a material manner to the implementation of the broadcasting policy set out in subsection 3(1)." This is reflected in proposed paragraph 5(2)(h). There's already some leeway so that the CRTC can avoid imposing regulatory obligations on undertakings that aren't really in the broadcasting business.

I have one final comment. Would the committee like to include a list of exceptions? The committee must consider this. Would the list be comprehensive? Would we forget any? If so, that could cause issues.

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

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

I have a question, which Mr. Rayes or the departmental officials could answer. It's about proposed paragraph 2(2.2)(a): "ancillary to a business not primarily engaged in the transmission of programs to the public and is intended to provide information or services to clients; ..."

One case comes to mind. I'm thinking of undertakings involved in redistribution or a broadcast service in establishments such as hotels.

Based on your understanding of the intent of this paragraph, would these undertakings be excluded from the regulations or would they still be subject to the Broadcasting Act?

[*English*]

The Chair: Monsieur Champoux, can I ask one or the other department, or is it Monsieur Rayes?

[*Translation*]

Mr. Martin Champoux: If Mr. Rayes has the answer, I'd like to hear it from him.

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

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

I'll let the officials answer Mr. Champoux's question, since it concerns technical details.

I just want to address Mr. Ripley's first response. The amendment states as follows: "A person does not carry on a broadcasting undertaking..." For example, proposed paragraph (b) would exclude situations where students transmit content over the Internet while doing schoolwork. This amendment specifically focuses on education. It seeks to ensure that a student who must complete an assignment over the Internet isn't subject to the regulations. This situation doesn't involve the student's primary activity or a business that wants to make a profit.

I don't think that the CRTC needs to legislate. It's a no-brainer for us. This falls in line with the access to documents given to universities, primary schools, secondary schools and other institutions. We would like to exclude this group from the entire bill. It's very clear to us.

We aren't talking about an undertaking. We aren't talking about a situation where the CRTC would be asked to legislate and determine whether an undertaking has the right to transmit content. Instead, we're talking about cases that shouldn't be considered activities related to the operation of a business.

[*English*]

The Chair: Before I go to Mr. Louis, let us have a response from the department, please.

[*Translation*]

Mr. Thomas Owen Ripley: I'll answer Mr. Champoux's question.

I gather from the proposal that we'll need to determine when broadcasting constitutes the primary activity of an undertaking and when it constitutes a secondary activity. There are several possible scenarios. I'm thinking of Amazon, for example. Does Amazon's streaming service constitute its primary activity or a secondary activity? This raises issues. We'll need to determine under what circumstances we can consider broadcasting the primary activity of an online undertaking and under what circumstances we can consider it a secondary activity.

Thank you, Mr. Chair.

• (1405)

[*English*]

The Chair: Go ahead, Mr. Louis.

Mr. Tim Louis (Kitchener—Conestoga, Lib.): Thanks, Mr. Chair.

I wonder whether we might hear more from the department.

With your educational institutions or your venues, would this legislation be able to keep up with changing technology? In this last year, people are becoming more resourceful and doing more online broadcasting. Is this something this legislation could keep up with, with this amendment, or could it fall behind? Is this something we might leave to the regulators?

The Chair: Go ahead, Mr. Ripley.

Mr. Thomas Owen Ripley: Thank you for the question, Mr. Louis.

What I would say is that, as I highlighted at the outset, we have already included under subclause 5(2) an indication that the CRTC should avoid regulating enterprises, businesses, organizations when they do not contribute in a material manner.

That was precisely, I think, to speak to the spirit of what I understand Mr. Rayes' amendment to be, which is that there isn't a reason to subject, for example, educational institutions to being considered a broadcaster. The way Bill C-10 currently goes about this is by giving the discretion to the CRTC to work through when certain types of organizations should not be subject to being considered broadcasters for the purposes of the act.

Indeed, I query whether the list is as complete as the committee would want it to be in order to be future-proofed or whether these questions are better left up to being worked out through regulatory proceedings that can evolve as time goes on.

The Chair: Go ahead, Mr. Housefather.

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

Having now heard from the department and having thought about it, personally I would have supported seeing paragraphs (b) and (c) carved out. I don't agree with paragraph (a) being carved out, because I think that doing so creates very extreme possibilities of large undertakings not being included because they have an ancillary business through which they're providing a service to their clients.

I also then worry that, even though I support carving out paragraphs (b) and (c), if we carve only them out and don't list other areas that should also be carved out, the CRTC will assume that because the legislator said these two are carved out, they're not to carve out anything else.

I'd rather stick with a more general exception, then, but I appreciate the intent of the amendment.

[*Translation*]

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

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

I have one last thing to say, and then, I will trust the committee members to make the right decision as to whether we should adopt the amendment or not.

I appreciate Mr. Housefather bringing up paragraph (c) of the amendment. I had forgotten to read it. Paragraph (c) pertains to concert halls, theatres and other venues for the presentation of live performing arts. It was on my second page, and with all these pages, I skipped right over it.

I want to respond to Mr. Ripley's comment and his Amazon example. Even if Amazon had an ancillary business in the background, I don't think anyone would believe that it was not principally engaged in that activity. The CRTC may have to decide in a case like that.

I think the intent behind my amendment is clear: to ensure that people who transmit content over the Internet and who are not principally engaged in the activity are not deemed to be carrying on a broadcasting undertaking. That would include people who do it recreationally, or students doing it as part of a class or at a teacher's request. It would also include people working in the arts and culture or theatre sector, such as videographers and artists who have podcasts.

That is the intent behind the amendment, and I hope the committee members will support it.

• (1410)

[*English*]

The Chair: Seeing no further debate on this issue—again this is CPC-0.1—we will now go to a vote.

Shall CPC-0.1 carry?

Mr. Anthony Housefather: No.

The Chair: Seeing dissent, we now have a recorded vote.

(Amendment agreed to: yeas 6 ; nays 5 [*See Minutes of Proceedings*])

The amendment is carried.

Folks, this ends quite nicely. That ends clause 1, which brings us to the end of clause 1 and also to our health break, but before we do that, we have to call the question on clause 1 itself as amended.

Shall clause 1 carry?

(Clause 1 as amended agreed to)

Folks, we'll have five minutes for our health break, please. We'll try to get back to this as quickly as we can. We're going to proceed at that point. We will see you in five minutes.

• (1410)

(Pause)

• (1425)

The Chair: We are resuming after our brief health break.

I want to address one thing first before we start on clause 2.

Mr. Housefather, I had a brief discussion regarding what you requested, which was a show of hands as opposed to a recorded vote. Is that correct?

Mr. Anthony Housefather: I was just suggesting, Mr. Chair, that we could do a show of hands, and unless a member asks for a recorded vote, which they have every right to do—any member

could do that—you can then go by the show of hands and you can say “carried on division” as opposed to doing the recorded vote each time.

I was only wondering, because I was anticipating so many recorded votes.

The Chair: It's not encouraged, sir, to be honest with you.

Go ahead, Mr. Shields.

Mr. Martin Shields: I think how you've handled it, Mr. Chair, has been just fine. It's been going fairly quickly and I think we're used to that, so let's do it.

The Chair: Before I leave that topic, we won't do the show of hands; however, I just want to remind everyone.... I know we say “on division”, and it always assumes that it's carried on division. I just want you to know that the Standing Orders also say that you can negative on division as well. Therefore, if someone says “negative on division”—and make sure you say “negative”—I will declare it negated if nobody else says anything. When we say “on division”, it's supposed to be “carried on division”, but we just say “on division” as a short term.

Anyway, I just wanted to remind people of that, but if someone calls for a recorded vote, then we have to proceed with it. In the meantime, we'll stick with that for now.

Let's proceed.

(On clause 2)

We're going to start clause 2 with PV-5, and I just want to make one note before I go to Mr. Manly. If PV-5 is adopted, BQ-4 cannot be moved due to line conflicts.

Mr. Manly, the floor is yours.

Mr. Paul Manly: Thank you, Mr. Chair.

This amendment really keeps the ownership and control of our broadcasting system by Canadians. The bill currently removes the section of the act that asserts that the Canadian broadcasting system shall be effectively owned and controlled by Canadians.

We live beside the largest media conglomerate in the world, the United States, and we have kept our national identity and our cultural sovereignty by maintaining control and ownership of our broadcasting system effectively by Canadians. This amendment has been supported by a number of organizations that I've talked to, and I'll note that the Bloc Québécois, the Conservatives and the NDP have similar amendments to maintain ownership and control of our broadcasting system by Canadians.

I think it's important to keep this enshrined in legislation, rather than just leaving it to the CRTC. Thank you.

The Chair: Go ahead, Ms. Dabrusin.

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

In fact there is also a Liberal amendment with respect to ownership, and it comes through as G-4, which we'll be coming to later on.

What this does is essentially revert us back to paragraph 3(1)(a), the original in the act, and doesn't recognize that what this bill is trying to do is to bring in foreign online streamers as well, which do not pass Canadian ownership.

Just bringing paragraph 3(1)(a) back in its old format, in fact just reverts us back to the old way the act worked without taking into account the new circumstances that we're in. The intent is in the right place, and I think that we're generally in agreement that the intent is in the right place, but this doesn't get us to where we need to be.

[*Translation*]

The Chair: You may go ahead, Mr. Champoux.

Mr. Martin Champoux: I agree.

Respectfully, I think the intent is commendable, but adopting the amendment would prevent us [*Technical difficulty—Editor*] at proposed paragraph 3(1)(a). I think we all agree on maintaining the idea of Canadian ownership.

We should vote against this amendment, so we can move on to the next one.

• (1430)

[*English*]

The Chair: Go ahead, Mr. Housefather.

[*Translation*]

Mr. Anthony Housefather: Personally, I prefer amendment BQ-4. Since both amendments pertain to the same lines, I am going to have to vote against amendment PV-5 to vote in favour of amendment BQ-4.

[*English*]

The Chair: Mr. Manly is next.

Mr. Paul Manly: I'll just note that my previous amendment, PV-3, addressed the need to regulate foreign broadcasters and foreign entities in the act, but the wording of it—having one come before the other—makes that a little difficult.

I recognize that the intent of this bill is to regulate foreign broadcasters, but I really want to see us maintain the aspect of our Broadcasting Act that protects Canadian ownership and control of our media.

The Chair: Go ahead, Mr. Waugh.

Mr. Kevin Waugh: This is an interesting one, Mr. Chair. I think that within three years, you will find in this country that there will be no broadcasters left on traditional television. What we're seeing now in North America is all streaming. All companies are going to this.

It's just something to ponder; that's all I'm saying. I see network companies in the United States leaving conventional television at a rapid pace, and I think it will happen here sooner than we think. Within two years, I would think, we're going to deal with this.

The Chair: Thank you.

Seeing no further conversation on this amendment, we now go to a vote.

Shall PV-5 carry?

Mr. Martin Champoux: No.

Ms. Julie Dabrusin: Can we do it as negated on—

Oh, actually, I don't think that the Greens have a vote. I'm sorry.

The Chair: Would you like to negative it on division?

Ms. Julie Dabrusin: I don't know that anyone was in favour, but yes, if it makes it go faster, I would say negated on division, if there's someone who wants it.

The Chair: Seeing no call for a recorded vote...

(Amendment negated [*See Minutes of Proceedings*])

We now go to amendment BQ-4.

Just for information, by the way, for those of you who are keeping track, amendments BQ-4; NDP-3, which is on page 14 in your package; and G -4, on page 47, all deal with a similar subject, as was noted by the legislative clerks. I just thought I would let you know.

One thing to note, however, is that if amendment BQ-4 is adopted, amendment CPC-0.2 cannot be moved because of a line conflict.

That being said, we now go to amendment BQ-4.

Go ahead, Mr. Champoux.

[*Translation*]

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

This amendment deals with the issue of Canadian ownership, which currently appears in paragraph 3(1)(a) of the act. The vast majority of the organizations we met with want the bill to recapture that idea. Basically, we believe it is extremely important to somehow include the participation of online undertakings.

The wording of the amendment was inspired by one of the recommendations in the Yale report. From the current act, we took “the Canadian broadcasting system shall be effectively owned and controlled by Canadians” and we added “foreign online undertakings may also provide programming to Canadians”. Then, we kept the proposed paragraph that begins with the words “each broadcasting undertaking shall contribute to” but renumbered it as new paragraph (a.1).

I just want to make clear that, in light of the discussions we've had, we realize foreign online undertakings could be problematic.

I'll let Ms. Dabrusin talk about that, because I think she was planning to address the subject.

[*English*]

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

Ms. Julie Dabrusin: No, no, I'm sorry.

[Translation]

This is hard to do virtually.

I quite like Mr. Champoux's amendment. I just have a subamendment in relation to proposed paragraph 3(1)(a).

• (1435)

[English]

It is to remove the word “online” between “foreign” and “undertakings”.

The Chair: Can you do that one more time, Ms. Dabrusin?

Ms. Julie Dabrusin: Okay. I'm changing screens on my computer again.

I would like to propose a subamendment to remove the word “online” from paragraph (a). It appears between the words “foreign” and “undertakings”.

The Chair: For clarification, we're on BQ-4, on page 13 of the English version.

Paragraph (a) will say,

the Canadian broadcasting system shall be effectively owned and controlled by Canadians, and foreign undertakings may also provide programming to Canadians;

The subamendment removes the word “online”.

I'm looking for a thumbs-up, Ms. Dabrusin.

Okay, the synopsis I put forward is correct. We now move to discussion on the subamendment as put forward by Ms. Dabrusin.

[Translation]

Go ahead, Mr. Rayes.

Mr. Alain Rayes: Sorry, Mr. Chair. I forgot to un-raise my hand, so to speak.

[English]

Mr. Anthony Housefather: You're on mute, Mr. Chair.

The Chair: Thank you, Mr. Housefather.

I see no hands up.

We are still discussing the subamendment as put forward by Ms. Dabrusin. As a reminder, she wants to remove the word “online” from paragraph (a) of the amendment.

We now go to a vote.

[Translation]

Mr. Martin Champoux: Mr. Chair—

The Chair: Sorry, Mr. Champoux. Go ahead.

Mr. Martin Champoux: Mr. Chair, would it be possible to hear from Mr. Ripley or Mr. Olsen on the rationale behind the motion. I'm not necessarily closed to the idea, but I would just like to understand the concern behind the subamendment.

[English]

The Chair: Mr. Olsen, we'll start with you.

Mr. Drew Olsen: Mr. Chair, the logic here is that with the way it's worded, there's a concern that if the word “online” is left there.... It says “foreign online undertakings may also provide programming to Canadians”, but it doesn't say anything about traditional foreign undertakings that are already providing programming to Canadians, such as TV channels like CNN that are authorized for distribution in Canada by the CRTC.

We believe that the spirit of the amendment is to make sure there's no potential implication that those types of services would need to be withdrawn from the broadcasting system in Canada.

The Chair: Does anyone else want to add to that?

Mr. Scott Aitchison (Parry Sound—Muskoka, CPC): Mr. Chair, I'm wondering if the word “online” should maybe not be replaced with the word “broadcasting”, so it would read “foreign broadcasting undertakings”. That would be more in line with the wording throughout the document.

The Chair: I appreciate that, Mr. Aitchison. I'm not trying to disagree with the content of what you're saying. However, the way to deal with this now, from the perspective of the Standing Orders, is that—as chair, I have to lay down the law—if you're proposing a change, we have to vote on Ms. Dabrusin's subamendment first. Once that is done, you may propose another subamendment, if you so desire.

We have to deal with the subamendment from Ms. Dabrusin first.

Is there any further discussion?

Seeing none, we call for a vote.

Shall the subamendment from Ms. Dabrusin carry?

Ms. Heather McPherson: No.

The Chair: Hearing a “no”, we will go to a recorded vote.

(Subamendment negatived: nays 6; yeas 5 [See *Minutes of Proceedings*])

We will now return to the main amendment as put forward in BQ-4.

Go ahead, Mr. Housefather.

• (1440)

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

I have to say I'm slightly confused on that, given the comment from the department about the concern that was raised.

I would like to ask if Mr. Aitchison's suggestion of replacing “online undertakings” with “broadcasting undertakings” would resolve that question for the department, meaning that if it said “online undertakings” instead of “broadcasting undertakings”, it would be more consistent with the rest of the act.

I'd like to hear from Mr. Ripley or one of the other people from the department on whether that would then cover CNN and the concerns that they raised.

The Chair: You brought up two people. I'm assuming you'd like to go to Mr. Ripley first.

Mr. Anthony Housefather: I'd like to go to whoever from the department is able to answer the question.

The Chair: I'm sorry, sir, this ain't *Jeopardy*. I have to figure out who you want to talk to first.

Mr. Anthony Housefather: I think the department would be the one to let us know who would be—

The Chair: Sorry, I was taking about Mr. Aitchison. Do you want to go to Mr. Aitchison or the department?

Mr. Anthony Housefather: I was not asking anything of Mr. Aitchison. I was asking the department whether Mr. Aitchison's proposal that he previously made would resolve the issue that they had raised with respect to removing the word “online”. I didn't ask anything of Mr. Aitchison.

The Chair: Of course you didn't.

We'll go to the department. Go ahead, Mr. Ripley.

Mr. Martin Shields: Mr. Chair, we have nothing on the floor.

The Chair: I'm sorry, Mr. Shields; do you have a point of order?

Mr. Martin Shields: On a point of order, there's nothing on the floor for him to ask an opinion about. There's nothing that has been proposed.

The Chair: We're dealing with the—

Mr. Martin Shields: Unless Mr. Aitchison proposes that, it can't be looking for clarification for something that hasn't been proposed.

The Chair: Okay. I think what's happening here is this: I understand the way the question started to Mr. Aitchison about the situation that he brought up earlier. However, Mr. Housefather then went on to ask the department about the presence of “broadcast undertakings” as a question. Therefore, I think that's quite legitimate, given the main amendment on the floor.

Am I going to Mr. Ripley?

Carry on, sir.

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

What I would point out to the committee is that the term “undertaking” isn't defined. Indeed, “broadcasting undertaking” is a defined term in the act, and that captures distribution undertakings like cable and satellite companies and online undertakings pursuant to Bill C-10, and programming undertakings, which are how we think of TV channels.

Again, here the concern is, as Mr. Olsen outlined, that right now the way the system works is that the CRTC can authorize cable and satellite companies like Rogers, Bell or Videotron to carry services that aren't Canadian—CNN, Fox, and so on—and they're part of your cable or satellite lineup.

The concern is that if the focus is only on online undertakings, there is a risk that there might be a suggestion that Parliament is trying to indicate to the CRTC that it should no longer authorize the distribution of undertakings except for online undertakings. That's the potential mischief we see here.

Mr. Anthony Housefather: Mr. Chairman, I would like to move to amend paragraph (a) of BQ-4 by replacing the word “online” with “broadcasting”.

The Chair: Just to repeat, regarding paragraph (a), what Mr. Housefather is proposing as a subamendment is “the Canadian broadcasting system shall be effectively owned and controlled by Canadians, and foreign broadcasting undertakings may also provide programming to Canadians”.

That is the subamendment we are discussing right now. Is there further discussion? I see only Mr. Housefather's hand up at this point.

Go ahead, Mr. Housefather.

• (1445)

Mr. Anthony Housefather: Just to be very quick, Mr. Chair, I think we would be remiss not to take into account what the department just said and the availability of channels like CNN and the potential misunderstanding of this amendment. It would be simplified by simply replacing “online” with “broadcasting” to make it a defined term under the bill, and broader so I would hope my colleagues will listen to that and consider this amendment.

Thanks.

The Chair: Just as a reminder, everybody, this is a subamendment proposed by Mr. Housefather regarding BQ-4. I think everybody is of the understanding now as to what he is proposing as a subamendment.

I see no discussion taking place or requested. Therefore, I'm going to have to call for the vote.

Shall the subamendment from Mr. Housefather carry?

Ms. Heather McPherson: No.

The Chair: I hear a “no”.

Clerk, do a recorded vote, please.

(Subamendment agreed to: yeas 10; nays 1 [*See Minutes of Proceedings*])

We now return to the main amendment as amended by Mr. Housefather. It is BQ-4 as amended.

I'm sure you now have an understanding of the amendment and the effect of it. Now we go back to the main one, as amended.

[*Translation*]

Mr. Champoux, go ahead.

Mr. Martin Champoux: I want to make sure I'm clear on the wording of the amendment as it's been amended, Mr. Chair. Could the clerk read it to us?

[*English*]

The Chair: I think I know what it is, but just to back me up, I'm going to call on either the clerk or a legislative clerk to read it back.

I will go to the legislative clerk, Philippe, to read back to amendment as subamended.

Mr. Philippe Méla: Thank you, Mr. Chair.

[Translation]

Mr. Champoux, you would like me to read you the French version. Is that correct?

Mr. Martin Champoux: Yes, please.

Mr. Philippe Méla: As amended, the amendment reads as follows in French:

a) le système canadien de radiodiffusion doit être, effectivement, la propriété des Canadiens et sous leur contrôle, et des entreprises de radiodiffusion étrangères peuvent également fournir de la programmation aux Canadiens;

a.1) chaque entreprise de radiodiffusion est tenue de

The Chair: Mr. Rayes, go ahead.

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

I just want to point out that, if the committee votes in favour of the Bloc Québécois amendment as amended, it would negate the amendment I was planning to move immediately afterwards. I am entirely in favour of the Bloc Québécois amendment as amended.

If no one else wishes to comment, we could proceed with the vote right away. I'd be glad not to move my amendment.

[English]

The Chair: I'm sorry, Mr. Rayes. I have to apologize. My audio disappeared, so could you repeat the last part of what you just said so that it's clear to me as chair? I'm sorry about that.

[Translation]

Mr. Alain Rayes: No problem, Mr. Chair.

I was just saying that, if the committee votes in favour of the Bloc Québécois amendment as amended, it would automatically negate my amendment, the Conservative Party amendment that would have been moved next. We are glad to support the Bloc Québécois's amendment as amended. If it is adopted, I will withdraw my amendment, but if not, I will move my amendment as planned.

[English]

The Chair: Very well. Thank you, Sir.

Go ahead, Ms. McPherson.

Ms. Heather McPherson: Just to follow up with Mr. Rayes, ours is very similar as well. Of course, this is something that we're all pushing for, and so I also would be willing to withdraw mine if this is positive—or, frankly, if the Conservative amendment is positive if this one is not.

• (1450)

The Chair: Seeing no further conversation, we now return to the main motion as amended in BQ-4.

Shall BQ-4 carry as amended?

(Amendment as amended agreed to [See Minutes of Proceedings])

That eliminates CPC-0.2.

Ms. McPherson, if I get this correctly, you just said—and I think my audio was working—you would be willing to withdraw NDP-3 if BQ-4 were adopted.

Ms. Heather McPherson: That is correct.

The Chair: For that we need unanimous consent.

Ms. McPherson wishes to withdraw NDP-3 from consideration. Does anyone have any problems with that? Pardon the vernacular.

Okay, done. We will withdraw NDP-3.

We move on to LIB-2.

Go ahead, Mr. Housefather.

[Translation]

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

I know Mr. Rayes and Mr. Champoux, fellow members from Quebec, will agree with us on this, as the rest of the committee members no doubt will. Recognizing the minority status of French in North America is extremely important. The purpose of the amendment is to recognize that English-language broadcasting and French-language broadcasting operate under different conditions in Canada because of the minority context of French in North America.

The amendment is pretty straightforward. I hope the committee members will support it.

[English]

The Chair: Seeing no further comments, we will now proceed with the vote.

Shall LIB-2 carry?

(Amendment agreed to)

It is so carried.

We will now move to NDP-4.

Go ahead, Ms. McPherson.

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

The purpose of this amendment is to ensure that the current part of the act that requires the Canadian broadcasting system to foster the development of Canadian expression by providing a wide range of programming and information and analysis about Canada and other countries from a Canadian perspective is maintained. The bill removes that last point.

The Chair: Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: I would like the department to help clarify what the impact is, because now we're getting into all of the subsections this bill, and it's a bit more complex here. That would be helpful to me.

The Chair: Go ahead, Ms. McPherson.

Ms. Heather McPherson: I believe that she asked the department, Chair.

The Chair: I'm sorry. Is it Mr. Ripley?

Mr. Thomas Owen Ripley: I think Ms. Tsui will take this one, Mr. Chair.

The Chair: Ms. Tsui, go ahead.

Ms. Kathy Tsui (Manager, Industry and Social Policy, Broadcasting, Copyright and Creative Marketplace, Department of Canadian Heritage): Thank you for the question.

I would point out that wording very similar to what has been struck from subparagraph 3(1)(d)(ii) has been transported to new proposed subparagraph 3(1)(i)(ii.1).

The main reason for that is that the notion of offering information and analysis concerning Canada and other countries from a Canadian point of view speaks more about the programming that is offered in the Canadian broadcasting system, so as paragraph 3(1)(i) talked more about programming offered rather than the Canadian broadcasting system writ large, it seemed to be a better place to place that notion.

• (1455)

The Chair: Ms. McPherson, do you have any more comment?

Ms. Heather McPherson: I think our amendment has a bit better clarity for that.

The Chair: Go ahead, Ms. Dubrusin.

Ms. Julie Dabrusin: Can I get clarification from the department? This is the place where I'm confused. Is this going to have an impact on ethnocultural content? Could there be a potential negative impact there? I'm literally just trying to make sure I understand the kinds of issues that are being raised. What is the impact I should be worrying about, if I'm worrying about anything?

Ms. Kathy Tsui: Thank you for the question.

Yes, as subparagraph 3(1)(d)(ii) does speak to a lot of equity-seeking groups and minority groups, so does proposed subparagraph 3(1)(d)(ii.1). There is text there that talks to the viewpoints of indigenous persons and Canadians from racialized communities and diverse ethnocultural backgrounds. In fact, in that subparagraph there seems to be more reference to minority, ethnocultural and equity-seeking groups.

The Chair: I see Ms. Dubrusin. No? Okay.

[Translation]

Mr. Champoux, go ahead.

Mr. Martin Champoux: Mr. Chair, what Bill C-10 would add to the act concerns me less than what this amendment would remove, in other words, the importance of making use of Canadian talent and artists, and offering the public information and analysis concerning Canada and other countries.

Basically, I can't see what the proposed amendment would add to the bill. I think the act's current wording does a good job of addressing this.

[English]

The Chair: Go ahead, Mr. Housefather.

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

I basically wanted to go back once again to this question. I understand that Bill C-10 would add a section that is relatively similar and adds greater context, but that section will not disappear if we amend the law to return the section amended by Ms. McPherson.

I'm trying to understand why that would be an issue. Can the department clarify whether, by amending this, we don't remove the other section that was also added to Bill C-10?

Perhaps Ms. Tsui could do that.

The Chair: I have Ms. McPherson next, but before that, Ms. Tsui, would you like to respond?

Ms. Kathy Tsui: I'm not sure I'm well qualified about the process for what happens if this amendment is accepted or rejected and what that would mean for the text in subparagraph 3(1)(d)(ii.1).

The Chair: Go ahead, Ms. McPherson.

Ms. Heather McPherson: My understanding would be that it wouldn't have any impact on it. Why would it?

I think that this is ensuring we have that analysis concerning Canada and other countries from a Canadian point of view intact. I'm not sure why it would affect the other areas. We would need to depend on those from the department with the expertise to answer that.

The Chair: I see hands from the department here.

Ms. Dabrusin, before I go to you, I'm going to go to the department, given the conversation we've just had, unless you really feel compelled and you have to get in right away.

Mr. Smith, go ahead, please.

Mr. Patrick Smith (Senior Analyst, Marketplace and Legislative Policy, Department of Canadian Heritage): Thank you, Mr. Chair.

The intention with respect to the existing paragraph 3(1)(d)(ii) was not to remove anything relating to information analysis. It was actually to create a more robust provision in what is now proposed subparagraph 3(1)(d)(ii.1), which relates to news and current events ranging from the local and regional to the international, reflecting "the viewpoints of Canadians, including the viewpoints of Indigenous persons and Canadians from racialized communities and diverse ethnocultural backgrounds".

Our intention there was to not make it a tail end of the existing clause, but rather to build it up into something that could stand on its own as a news, current events and analysis provision.

• (1500)

The Chair: Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: It seems like there's all sorts of positive in this amendment. I understand a lot of the other conversations we've had and where we're trying to go, but when I look at this amendment, it seems to be actually trying to—I thought—support racialized communities and economic status groups.

I'm a little bit confused as to where we're trying to go. The main thing is that I see other places where we're trying to deal with harms. I'm not sure I'm getting the harm that we're trying to address with this amendment. That's my main comment.

The Chair: I think have Ms. McPherson next, but Mr. Housefather, your hand is up. Did you want to—

Mr. Anthony Housefather: I'm fine if Ms. McPherson wants to go first. I basically want to clarify. Perhaps she can answer me.

The entire intention here is to revert back to the original wording of 3(1)(d)(ii) in the act, which means that the wording after “entertainment programming, and by offering information and analysis concerning Canada and other countries from a Canadian point of view” is reinserted in the act.

I believe that is her entire intention. I don't see anything wrong with that. I'll let her speak, then.

Ms. Heather McPherson: That is my intention. Thank you, Mr. Housefather, for articulating it. I will call on you regularly to articulate my intentions for me.

No, don't understand why this would not be a positive thing that we would want to also include.

The Chair: Seeing no further discussion, I'll call for the vote. Shall NDP-4 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

That now brings us to LIB-3.

Go ahead, Mr. Housefather.

Mr. Anthony Housefather: Thank you very much, Mr. Chair.

[*Translation*]

This amendment actually has four parts.

First, we heard from a number of groups about the importance of supporting the production and broadcasting of original programs in French, so we are proposing that the following be added to the act under new subparagraph 3(1)(d)(iii.2).

[*English*]

We are also talking about enhancing the vitality of official language minority communities and their particular needs and interests. That is added in proposed subparagraph 3(1)(d)(iii.3).

Proposed subparagraph 3(1)(d)(iii.4) deals with an issue that has come up many times. It started with Mr. Manly's first amendment, “the importance of supporting community broadcasting”, especially in ethnocultural and indigenous communities. That is included in proposed subparagraph 3(1)(d)(iii.4).

Proposed subparagraph 3(1)(d)(iii.5) addresses the importance of Canadian independent broadcasting undertakings. We've also heard that from a number of groups.

While this probably wasn't worded perfectly, I think it gives voice to a lot of the different groups that we heard and deals with a lot of important issues. I think it reflects a consensus among those groups that this is good wording, and I would naturally appreciate the support of my colleagues on it.

[*Translation*]

The Chair: Go ahead, Mr. Champoux.

Mr. Martin Champoux: With all due respect to Mr. Housefather, it should come as no surprise that I have a reservation about proposed subparagraph 3(1)(d)(iii.3). I'm not sure it's necessary to specify that French is a minority language in Canada and that English is a minority language in Quebec.

I think the broadcasting reality as it relates to the minority status of French in Canada is different from the broadcasting reality as it relates to the minority status of English in Quebec. I think we saw that quite clearly when we were studying the impact of the pandemic on the cultural sector. We heard from representatives of Quebec's English-language cultural sector, and I think that we really listened to what they had to say and that we were quite open to their requests and needs. When it comes to broadcasting, however, I don't think the circumstances are the same.

I agree with the overall amendment, but I must say that part makes me uncomfortable. What's more, removing it would not take anything away from the act because the act already addresses the importance of promoting official languages in a broader context.

I am inclined to support the amendment, but I have to say that part bothers me a bit.

• (1505)

[*English*]

The Chair: Go ahead, Mr. Housefather.

[*Translation*]

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

I'd like to address Mr. Champoux's comment.

First of all, the committee just unanimously adopted an amendment I proposed to recognize the difference between French and English in Canada, as well as the importance of taking into account the French reality in the North American context.

Second of all, we also heard from English-speaking groups in Quebec who explained that the proportion of original English-language programming produced in Quebec had dropped. It used to make up nearly a quarter of Canadian content but now accounts for less than 5%, so it's also important to recognize the English-speaking community in Quebec.

[*English*]

We're a minority in Quebec. Francophones are a minority in all the other provinces. Francophones are a minority in Canada. I think this amendment gives voice to that. If you use an amendment to change the wording and it's passed, the wording is there.

I appreciate his comments, but at least in my view, the English-speaking community in Quebec is an official language minority community in Canada, the same as French-language minority communities. We are a million or more people who deserve to be recognized as well in the context of this bill.

Thank you, Mr. Chairman.

[Translation]

The Chair: Go ahead, Mr. Champoux.

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

I realize it's a sensitive subject, so I want to be careful what I say. In no way am I standing against Quebec's English-speaking community, quite the contrary. They are full-fledged citizens, but we have to look at the reality. When it comes to the wording in a piece of legislation, it's appropriate to say certain things and unnecessary to say others.

I don't think this wording will provide the CRTC with any more clarity than the act as a whole already does. If the production of English-language programs in Quebec is an issue, the act clearly stipulates that recourse is available and that the necessary adjustments can be made.

We can ask the department officials for clarification. Nevertheless, I don't think we lose anything by simply removing that part. The spirit of the act remains intact.

I'd like to hear what Mr. Olsen or Mr. Ripley has to say on the matter.

[English]

The Chair: The answer will be by way of Mr. Ripley.

[Translation]

Mr. Thomas Owen Ripley: Thank you for asking, Mr. Champoux.

I don't really have much to add, other than to say the definition of an official language minority community clearly encompasses both the English-speaking community in Quebec and the French-speaking community outside Quebec.

The Chair: Go ahead, Mr. Champoux.

Mr. Martin Champoux: I therefore propose a subamendment, Mr. Chair, to remove the em dashes and everything in between from proposed subparagraph 3(1)(d)(iii.3). In other words, the text immediately following "particular needs and interests," and preceding "including" would be removed.

[English]

The Chair: Give me one second.

Personally, I like to repeat what has been subamended.

I see what you're saying: It's not a huge change. However, since French is not my first language, I'm going to ask for clarification so that everyone is quite sure of what Mr. Champoux has moved as a subamendment. I'm going to ask our legislative clerk for clarification as to what Mr. Champoux has moved as a subamendment.

Philippe, are you there?

• (1510)

Mr. Philippe Méla: Thank you, Mr. Chair.

Let me just check for the commas.

I'm going to read proposed subparagraph 3(1)(d)(iii.3), as it is proposed to be amended.

[Translation]

Pardon me?

[English]

The Chair: Sorry. I thought you were going to read it in English, but go ahead.

[Translation]

Thank you.

Mr. Philippe Méla: Proposed subparagraph 3(1)(d)(iii.3) would be amended to read as follows:

(iii.3) enhance the vitality of official language minority communities and support and assist their development by taking into account their particular needs and interests, including through supporting the production and broadcasting of original programs by and for those communities,

[English]

The Chair: Mr. Champoux, I'm looking to you to accept that as your subamendment, as it was read by Mr. Méla.

[Translation]

Mr. Martin Champoux: What Mr. Méla just read is exactly what I am proposing.

[English]

The Chair: Is there any discussion on the subamendment from Mr. Champoux, the subamendment of LIB-3?

Seeing no discussion, we'll go directly to the votes.

Shall the subamendment of LIB-3 carry?

Mr. Anthony Housefather: No.

The Chair: Hearing "no", Madam Clerk, we will go to a recorded vote, please.

(Subamendment negatived: nays 10; yeas 1 [See Minutes of Proceedings])

The Chair: We now return to the main LIB-3 amendment as printed in your document.

Seeing no discussion, we now go to a vote.

Shall LIB-3 carry?

(Amendment agreed to [See Minutes of Proceedings])

The Chair: We'll go on to NDP-5.

Go ahead, Ms. McPherson.

Ms. Heather McPherson: The purpose of NDP-5 is to ensure that the Canadian broadcasting system serves the needs and interests of official language minority communities—which I think is important to all of us—by providing opportunities for the production and delivery of programming in English or French.

It would just add subparagraph 3(1)(d)(iii.2) at the end.

The Chair: Go ahead, Ms. Dabrusin.

[Translation]

Ms. Julie Dabrusin: Thank you to Ms. McPherson for moving this amendment. I quite like what she is proposing and I support it.

[English]

The Chair: Mr. Housefather, go ahead.

Mr. Anthony Housefather: Mr. Chair, I also support it, but I think the number has to change. I may be wrong, but we've added (iii.2), (iii.3), (iii.4) and (iii.5) with the last amendment, so I think this would need to become (iii.6).

Mr. Philippe Méla: Mr. Chair, if I may...?

The Chair: Yes, go ahead, Philippe.

Mr. Philippe Méla: Thank you, Mr. Chair.

The numbering is going to be renumbered at the reprint of the bill after the committee stage. If you have several numbers that are the same, they'll be added in sequence in numerical order, so there's no need to do it now.

• (1515)

Mr. Anthony Housefather: Okay, thank you.

The Chair: Thank you, Mr. Housefather.

Is there any further discussion on NDP-5?

Seeing none, we'll go to a vote. Shall NDP-5 carry?

(Amendment agreed to [See Minutes of Proceedings])

Now we'll go to CPC-1.

I'm searching for a mover.

Seeing none, we'll go on to PV-6.

Mrs. Jenica Atwin (Fredericton, GP): Hi. I have come to cover my colleague, Paul Manly.

The Chair: I'm sorry. Can you just raise your hand? I can't see you on the screen.

Oh, Ms. Atwin, there you are. Sorry, I couldn't see you on all the squares that we have here.

Ms. Atwin, welcome, first of all, and go ahead. You're talking about PV-6.

I lost you again. Ms. Atwin, are you there?

Mrs. Jenica Atwin: Yes.

The Chair: Oh, there you are. Go ahead.

Mrs. Jenica Atwin: I'm having a bad Internet connection—sorry.

I move that Bill C-10, in clause 2, be amended by adding after line 27 on page 3 the following:

the public and community elements of the Canadian broadcasting system shall be provided with adequate resources in order to contribute in an appropriate manner to the creation and presentation of Canadian programming.

This amendment would ensure that public as well as community owned [Technical difficulty—Editor]

The Chair: Sorry, Ms. Atwin. You're certainly right about the fact that you have a bad connection, it seems.

Can I see a thumbs-up from everybody to make sure that it's not me? All right. Okay.

Ms. Atwin, sorry. You froze on the screen again. How about you try it once more?

Mrs. Jenica Atwin: This amendment is to [Technical difficulty—Editor] in clause 2, be amended by adding after line 27 on page 3 the following: “the public and community elements of the Canadian broadcasting system shall be provided [Technical difficulty—Editor] to contribute in an appropriate manner to the creation and presentation of....”

The Chair: No....

Mrs. Jenica Atwin: You can't hear me?

The Chair: No, I'm sorry. Things aren't going well. That's no reflection on you.

Ms. Heather McPherson: Mr. Chair, could I suggest that she turn off her camera?

The Chair: Yes, Ms. McPherson, that's probably a good idea.

Ms. Atwin, try it again. Thank you, Ms. McPherson, for that.

Ms. Atwin, try again.

Mrs. Jenica Atwin: Thank you. One more time, I move that in clause 2, there would be an amendment, adding after line 27 on page 3 the following:

the public and community elements of the Canadian broadcasting system shall be provided with adequate resources in order to contribute in an appropriate manner to the creation and presentation of Canadian programming.

This amendment would ensure that public as well as community-owned and community-operated media are adequately resourced.

The Chair: Okay, there you have it.

Ms. McPherson, thank you very much. That was a nice suggestion.

Is everyone okay with that?

Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: There are two parts to this.

First of all, public broadcasting is not just a federal piece; it is also funded by provincial governments, and this legislation cannot cover on that. It is also just that it is not part of the Broadcasting Act to include the extent to which each broadcasting undertaking should be funded. That is not a part of what this bill, or even the existing act, covers.

I was wondering if I could ask for clarification, particularly on whether there are any specific pieces in the Broadcasting Act, as it exists and as it is proposed, that go to funding and resourcing. Maybe Mr. Ripley might be able to help me, or Mr. Olsen.

The Chair: You have the floor, Mr. Ripley.

Mr. Thomas Owen Ripley: Thank you for the question, Ms. Dabrusin, and thank you, Mr. Chair.

No, there is not currently anything in the act that prescribes a certain level of funding for an element of broadcasting. Indeed, our understanding is that what is being proposed here would have the effect of imposing an ongoing and undefined funding obligation to fund both public and community broadcasting. Again, public broadcasting includes CBC/Radio-Canada, but it would also include provincial broadcasters like TéléQuébec, Knowledge Network, and others, and then community broadcasting would obviously include a number of smaller players across the country.

• (1520)

The Chair: Seeing no further debate, I'm going to call for the vote on PV-6.

Shall PV-6 carry?

[*Translation*]

Mr. Martin Champoux: No.

[*English*]

The Chair: I hear “no”. Madam Clerk, we will have a recorded vote.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

We now move to NDP-6.

Before we go to conversation, if NDP-6 is adopted, BQ-6 on page 26 cannot be moved due to line conflicts. Please bear that in mind.

Ms. McPherson has the floor.

Ms. Heather McPherson: This is making a change. The effect of our NDP-6 is to maintain the current version of the act, which clearly states that the Canadian broadcasting system should ensure that licensees of broadcasting undertakings have responsibility for their programming. The current bill, by adding “and over which they have programming control”, risks creating a loophole in favour of social media. We therefore propose to delete this addition.

For more context, broadcasting companies that do not have direct control over programming—social media, for example—have significant control over the content that is suggested to users. On these platforms, the vast majority of content consumed by users is the result of algorithm-driven suggestions, with the vast minority—the rest—resulting from specific user choices. More and more platforms are also making editorial choices through policies against false, misleading or hateful content.

That is the intention. That is why we have put this amendment forward.

The Chair: Ms. Dabrusin has the floor.

Ms. Julie Dabrusin: That is interesting, because my understanding of what the application of this amendment would be....

This is where I am going to need more clarification again, because my understanding is that this actually limits the provisions to licensed undertakings and would limit the scope of the provision. I am a little confused, because my reading is that this actually has more of a limiting effect on its scope, which is not what I would be seeking. Perhaps I can get some clarification.

Mr. Smith, we haven't heard from you yet. This is very exciting. I will have to leave it to the chair to go to you, but I'm just....

The Chair: Yes, we have heard from Mr. Smith already, but second time's a charm.

Mr. Patrick Smith: Thank you, Mr. Chair.

Ms. Dabrusin is correct in that by reverting back to paragraph 3(1)(h), the motion would, in fact, circumscribe the provision to license broadcasters. As a result, it would not apply to online undertakings. If the committee is not in favour of that outcome, I not sure whether the motion as written would accomplish the intent.

The Chair: Seeing no further discussion, I call for a vote. Shall NDP-6 carry?

Ms. Julie Dabrusin: No.

The Chair: Hearing dissent, we will have a recorded vote.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

Now we are on PV-7.

If PV-7 is adopted, G-2, NDP-7 and BQ-5 cannot be moved due to line conflicts.

Before we move on, there is something I forgot earlier when we were trying to connect with Ms. Atwin. If Ms. Atwin is unable to connect....

The PV amendments are in a unique situation due to the standing orders adopted in the last few years. In the case of the Green Party, because it is not officially on the committee but has the right to propose amendments and discuss them, any amendment its members want to bring to a bill is deemed moved from the beginning. That takes a bit of pressure off your Internet service, Ms. Atwin, because obviously you could proceed, but if we cannot get a clear connection, the discussion and debate about your amendment will continue.

Ms. Atwin, you have the floor.

• (1525)

Mrs. Jenica Atwin: Thank you.

[*Translation*]

Mr. Alain Rayes: I have a point of order, Mr. Chair.

[*English*]

The Chair: I'm sorry, Ms. Atwin; wait one moment, please. Mr. Rayes has a point of order.

[*Translation*]

Mr. Alain Rayes: I've lost track of which amendment we are on exactly. You said that, if the amendment was adopted, others could not be moved. I'm unclear as to how this amendment relates to the others, so I'd like to know before we proceed.

Which amendment are we discussing right now?

[English]

The Chair: Okay, let me repeat that.

If PV-7 is adopted—if it is accepted by the committee as an amendment—it means that G-2, NDP-7 and BQ-5 cannot be moved. Again, it's the line conflict.

We're back to you, Ms. Atwin.

Ms. Julie Dabrusin: I think we've lost her.

The Chair: Well, as I pointed out before, PV-7 is moved, so it carries on.

We can have a discussion about it, if you wish.

Ms. Dabrusin, go ahead.

Ms. Julie Dabrusin: I want to be clear, I guess. Is it the case that since it's moved, if it fails, we cannot move on to the next one, is it that if it fails, we just move on?

The Chair: If it fails, we move on to the next one, yes.

Ms. Julie Dabrusin: Let's go do that.

Sorry; I am in favour of doing that.

The Chair: Okay, but we still have to vote on it.

I see Mr. Champoux.

[Translation]

Mr. Martin Champoux: I have a bit of a technical question, Mr. Chair.

Since the member is likely having technical difficulties and is not here to move the amendment, I'm wondering whether it's in order.

[English]

The Chair: Yes, it is, because several years ago, as I pointed out, the Standing Orders allowed recognized parties and independents to be involved in the committee process. They can put an amendment forward for consideration and they can discuss it, as they've been doing all day today; what they cannot do is vote.

However, the other thing they can do is that once their motion is deemed... Once we commence the hearings, their motions are deemed moved, because of the situation they are in. Those are the Standing Orders and what they dictate. Again, this is unique to the Green Party or any independents who put forward any amendments, so we are now compelled to have a discussion, if you wish to have a discussion, and we're also compelled to vote on this amendment because it's been deemed moved.

I hope that makes it clear.

• (1530)

[Translation]

Mr. Martin Champoux: Yes, thank you.

The Chair: Thank you.

[English]

Seeing no further discussion, I will move to a vote on PV-7. Shall PV-7 carry?

Ms. Heather McPherson: No.

The Chair: We will have a recorded vote.

(Amendment negatived: nays 11; yeas 0 [See Minutes of Proceedings])

We now go to G-2, and before we do, let us note that if G-2 is adopted, NDP-7 and BQ-5 cannot be moved due to line conflicts.

We now go to Mr. Housefather.

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

I think that this is an amendment that is common in terms of a theme that all parties want to recognize, which is that “each broadcasting undertaking shall make maximum use of Canadian creative and other resources in the creation and presentation of programming”.

What is missing in amendment G-2 that is in the others is the idea of “in no case less than predominant use”.

I would welcome, since I can't move that amendment to my own motion, if somebody else would move something here to introduce the concept of the words “in no case less than predominant” that I see in the NDP motion and the Bloc motion. I'm totally happy to accept that as an amendment and to support it.

Basically, then, it has the exclusion unless the nature of the service provided by the undertaking renders such use impracticable, in which case the undertaking shall make use of those resources to the extent that it can and should.

Again, I appreciate that I think we all agree overall on this, and if somebody would amend this amendment, that would be great.

Thank you.

The Chair: Okay. We do not have a mover yet—

Mr. Anthony Housefather: Yes, sorry. I move the amendment as it is drafted, and I'm looking for somebody to subamend it.

Thank you, Mr. Chair.

The Chair: Very good, then.

Go ahead, Ms. McPherson.

Ms. Heather McPherson: I would be interested in subamending it—

The Chair: All right.

Ms. Heather McPherson: —to include “in no case less than predominant use”.

The Chair: As was described earlier by Mr. Housefather, and now Ms. McPherson, is everyone clear on the subamendment? Okay.

Now it's in discussion. I have Ms. McPherson up, but did you...?

Ms. Heather McPherson: Is it possible for me to add a—

The Chair: Yes, go ahead.

Ms. Heather McPherson: The piece in mine that will then, of course, fall off is about the foreign online companies. Can we add that to the subamendment? Can that be included in this?

The Chair: The quick answer is no. You've moved a subamendment, so we have to dispense with that first. Following that, you're free to subamend again. Right now, though, we're dealing with the subamendment.

Does anybody want me to repeat it? Is it necessary? I didn't get the full wording. My audio kicked out on me again. That includes what Mr. Housefather started with, so I apologize.

Do you have a point of order, Mr. Champoux?

[*Translation*]

Mr. Martin Champoux: No, I don't have a point of order. My hand has been up because I would like to comment.

[*English*]

The Chair: Okay. Before I do that, I had a few audio glitches. I'm going to ask our legislative clerk, if he is available, to repeat the subamendment that was put forward by Ms. McPherson, please.

• (1535)

Mr. Philippe Méla: Thank you, Chair. I was actually going to ask you where it was going to be.

Mr. Anthony Housefather: I will—

The Chair: One second, one second.

All right, Mr. Housefather, go ahead.

Mr. Anthony Housefather: Mr. Chair, I was just going to advise Jacques, if that's okay, that it would read, "Each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources". Does that make it clear to Jacques?

The Chair: We'll go to either Jacques or Philippe.

Mr. Philippe Méla: I will ask you to repeat it, please.

The Chair: Go ahead, Mr. Housefather.

Mr. Anthony Housefather: It would say, "Each broadcasting undertaking shall make maximum use," and this is where the amendment would now be. We would add the words, "and in no case less than predominant use," and then it continues, "of Canadian creative...."

We're essentially adding words that you can find in both the Bloc and the NDP amendments in that place.

The Chair: Okay, just hold it there. Philippe, I'll give you some time with that and go to Mr. Champoux first.

[*Translation*]

Mr. Martin Champoux: I'm a bit puzzled, Mr. Chair. What Mr. Housefather and Ms. McPherson are proposing already appears in amendments put forward by the NDP and the Bloc Québécois. If the committee votes against this amendment, it will have a choice between two others. I think that would be much easier and give us something more satisfactory. It would make our lives way easier.

[*English*]

The Chair: Before we go any further, I appreciate the comments and what you're saying, but right now we're dealing with a subamendment that was put forward officially by Ms. McPherson.

Ms. McPherson, would you...? No.

Ms. Dabrusin, go ahead.

Ms. Julie Dabrusin: I wanted to respond to what Monsieur Champoux said. I'm flipping back and forth between the amendments and I'm seeing that there are still differences in the wording. I am seeing that Mr. Champoux's wording might more closely follow the one that Mr. Housefather moved. To my mind, because we're already debating this one, we're here and we have this subamendment on the floor, it would probably be faster and cleaner to just add that wording that was subamended and then to move forward.

By the way, I think we need to acknowledge—because I support the subamendment Ms. McPherson had proposed on maximum use—that this is a great moment. We're seeing opposition parties coming together and working to get this right. I just wanted to put that in there. Let's do this subamendment and move on.

The Chair: Go ahead, Ms. McPherson.

Ms. Heather McPherson: I just wanted some clarity, Mr. Chair. The text in "(f)" in this subamendment is very similar to the text in the NDP's "(f)" and the Bloc's "(f)". Does that mean that we will not be able to debate proposed paragraph 3(1)(f.1) in NDP-7?

The Chair: That is a good question.

I'm going to return to Philippe on two counts now. I'll ask him to repeat the subamendment, and also, because I'm not there, I too have the very same question you do regarding whether we go to NDP-7 now if it's subamended.

Philippe, are you with us?

Mr. Philippe Méla: I am, Mr. Chair.

The Chair: Great.

Were you able to hear Ms. McPherson's question?

Mr. Philippe Méla: I was.

The Chair: Great. You have the floor.

Mr. Philippe Méla: Thank you, Chair.

If G-2 were adopted, with or without the subamendment, NDP-7 could not be moved because of the line conflict. It would be the same for BQ-5.

The Chair: Yes. I'm sorry. I should have pointed that out. I offer my apologies there.

I will repeat that: if this amendment is carried, NDP-7 and BQ-5 cannot be moved due to a line conflict. It's pretty straightforward.

We have Mr. Champoux.

• (1540)

[*Translation*]

Mr. Martin Champoux: I'm a bit confused, Mr. Chair.

Our amendment has some very important elements. I'm wondering about a few things, and I also have some questions for my fellow members. Should I, too, move a subamendment to include the elements I consider to be important in the amendment? Wouldn't it be better to just move on to the next amendment, which would be a lot easier to amend?

The Bloc Québécois believes the obligation to make predominant use of Canadian creative resources also applies to production. Words matter. Our amendment refers to the requirement to “contribute strongly to the creation, production and presentation of Canadian programming”. Those nuances are very important, and I think it would be much easier to add to the next amendment.

However, if we have to amend this amendment, I will just propose a subamendment as well.

[*English*]

The Chair: Before I go to Mr. Housefather, I'm going to quickly explain why we do this.

The reason I start the debate by saying—and I've used this several times now—“due to a line conflict” is that if this line is amended in the bill itself, then the second one that's being debated is moot. It no longer amends the original one because that's now been changed.

The reason I point that out before the debate starts is to give you the opportunity to subamend to your own liking if you choose to do so.

You're on track, Mr. Champoux, about what you're talking about.

I'm going to go to Mr. Housefather now.

Mr. Anthony Housefather: Thank you very much, Mr. Chair.

I know this is getting very procedural, but I just wanted to give my thoughts.

We have three different amendments that all have slightly different wording. In the case of the NDP, there's an additional concept completely in the amendment. I don't necessarily agree with proposed paragraph 3(1)(f.1), the second paragraph in the NDP amendment. That being said, I think there are several ways to do this.

I think we all agree on this subamendment that Ms. McPherson has already proposed. We can vote on that, and then Mr. Champoux or Ms. McPherson can move another subamendment to add whatever it is that they wish to this amendment.

I also believe that Ms. McPherson's proposed paragraph 3(1)(f.1) is an entirely different subject. Even though her existing NDP-7 could not be moved because of a line conflict, you're allowed to move things from the floor. I believe she would be able to move this paragraph from the floor—I'll ask Philippe to confirm—by simply saying that it would follow line 33 of the amended motion that we're now adopting with paragraph 3(1)(f). She could theoretically separately move in the next line that her proposed paragraph

3(1)(f.1) by itself amend the clause. I think that's possible, because once we adopt this and she moves that her amendment follow this one, there would no longer be a line conflict.

I know that's complicated, as a former chair. Maybe I got it wrong. I just wanted to give her that option as well, because it's a different subject than this paragraph.

Of course Philippe and the chair can correct me.

Thank you.

The Chair: I totally agree with moving it from the floor.

He might repeat what I'm saying, but I'll let Philippe weigh in on this as our legislative clerk.

Go ahead, Philippe.

Mr. Philippe Méla: Thank you, Chair.

Yes, Monsieur Housefather, you are right. The process would be to deal with the first subamendment that's on the floor right now to be able to propose a new subamendment from possibly Mr. Champoux.

Now, for Ms. McPherson, indeed she could move her amendment, basically saying “that Bill C-10 in clause 2 be amended by adding after line 33 on page 3 the following”, and it would be just proposed paragraph 3(1)(f.1). We would remove the proposed paragraph 3(1)(f) part, if that's agreeable to the mover.

The Chair: Right. Would she move that from the floor?

• (1545)

Mr. Philippe Méla: Yes, she would.

The Chair: In the meantime, we do have several steps here. Let's deal with step one.

We are currently on a subamendment proposed by Ms. McPherson, subamending G-2.

Ms. Heather McPherson: Mr. Chair, could I speak to that very quickly?

The Chair: Yes, go ahead, Ms. McPherson.

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

I do agree with what Mr. Housefather is saying is possible, and I do have to apologize. I didn't understand that proposed paragraph 3(1)(f.1) was implicated.

Knowing that it is possible to do these sorts of gymnastics to manoeuvre, it is also possible to just go to NDP-7, is it not? It already has proposed paragraph 3(1)(f) with the wording that would be amended in Mr. Housefather's, as well as the clause that I would be amending from the floor, already in the amendment.

I want to get some clarity before I vote. I'm assuming I could vote against my own amendment, knowing that it would then come forward and I wouldn't have to move it from the floor because it would all be within my amendment as it stands.

The Chair: We are currently on G-2. We're currently dealing with a subamendment.

Let me repeat. If G-2 is adopted.... We'll deal with what we're doing right now, the subamendment. However, if the entire amendment is accepted, then NDP-7 and BQ-5 cannot be moved due to the line conflict. I think we can draw together what is defeated and it can be talked about after that, which is your NDP-7. I hope that makes some sense.

In the meantime, we still have your amendment on the floor as a subamendment to G-2.

I gather, Ms. McPherson, you're okay.

Go ahead, Mr. Louis.

Mr. Tim Louis: Mr. Chair, I wanted to keep the momentum going, but as a point of courtesy, since I don't know who you can see on your screen, Ms. Atwin has left and Ms. May from the Green Party is here representing them. I wanted to acknowledge that.

The Chair: Oh, very good. Ms. May, welcome aboard.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you.

Hello, Mr. Chair. Hands across the great expanse of this lovely country to reach out to you in Newfoundland with a really large hug.

The Chair: Thank you very much.

That's quite an accent. That's good. You're even reading my householder, I see. That's great. It's good to see you, Ms. May.

Let's go back to the subamendment. Do I see any further discussion on the subamendment put forward by Ms. McPherson? Monsieur Méla fleshed it out earlier. I don't think we need to repeat it.

Seeing no discussion, we now go to a vote.

Shall the subamendment put forward by Ms. McPherson, the subamendment of G-2, carry?

[*Translation*]

Mr. Martin Champoux: No.

[*English*]

The Chair: I hear a “no”. We will now go to a recorded vote.

(Subamendment negated: nays 6; yeas 5 [*See Minutes of Proceedings*])

We now go to the main amendment, G-2. Is there any discussion? I see none.

Shall amendment G-2 carry?

[*Translation*]

Mr. Martin Champoux: No.

[*English*]

The Chair: Hearing “no”, we go to a recorded division.

Mr. Anthony Housefather: Can we go to “defeated on division”?

The Chair: One moment, please.

Do you want it negated on division, Mr. Housefather?

Mr. Anthony Housefather: I think we can agree that it's going to be voted against. I would propose it be negated on division.

The Chair: I am hearing no opposition to that.

(Amendment negated on division)

I declare G-2 negated.

Now we go to NDP-7.

Ms. McPherson, I believe that's you.

Ms. Heather McPherson: It is, and I think we all know what's in this particular clause, and why.

The only difference, of course, in our recommendation is that we have:

(f.1) each foreign online undertaking shall make the greatest practicable use of Canadian creative and other human resources in accordance with the objectives of the broadcasting policy set out in this subsection and taking into account the linguistic duality of the market they serve;

It also as proposed paragraph 3(1)(f), which is similar to Mr. Housefather's, though slightly different, with the inclusion of “no case less than predominant use”, but the amendment also includes the “foreign online undertaking”.

• (1550)

The Chair: Thank you.

Before I go to Mr. Champoux, I said this before, but I think it bears repeating: If NDP-7 is adopted, of course BQ-5 cannot be moved, due to a line conflict. I apologize; I should have mentioned that earlier.

Go ahead, Mr. Champoux.

[*Translation*]

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

I have a subamendment to Ms. McPherson's amendment. I would like to add the word “production” so that the provision would read “and in no case less than predominant use, of Canadian creative and other human resources in the creation, production and presentation of programming”.

[*English*]

The Chair: I can repeat it myself, but I'd rather hear it *en français*. I am going to turn to our legislative clerk again, who is certainly making his dollar's worth today.

Philippe, would you like to repeat to the committee the subamendment from Mr. Champoux?

Mr. Philippe Méla: Certainly. Thank you, Mr. Chair.

[*Translation*]

With the proposed wording, the subamendment would read as follows:

f) les entreprises de radiodiffusion canadiennes sont tenues d'employer des ressources humaines — créatrices et autres — canadiennes et de faire appel à celles-ci au maximum, et dans tous les cas au moins de manière prédominante, pour la création, la production et la présentation de leur programmation;

Proposed subparagraph 3(1)(f.1) would stay the same.

[English]

The Chair: Has everyone heard that?

Is there any further discussion on the subamendment to NDP-7 from Mr. Champoux?

Hearing none, we will now go to a vote. Shall the subamendment to NDP-7 carry?

(Subamendment agreed to)

Hearing no dissent, I declare the subamendment carried.

Now we will return to the main motion, NDP-7.

Go ahead, Mr. Housefather.

Mr. Anthony Housefather: Mr. Chairman, I would like to propose that at the end of the first paragraph, after the word “programming”, we would add the words “unless the nature of the service provided by the undertaking renders that use impracticable, in which case the undertaking—

The Chair: Mr. Housefather, I'm loath to interrupt you and I apologize, but can I ask that you slow it down to about half speed there as we frantically try to get this wording?

Go ahead, sir.

Mr. Anthony Housefather: I think what you all would need to do, to be helpful, would be to go back to G-2 and look at the wording that was proposed. You have it in writing in both languages in G-2, and after the word “programming”, I propose to insert the following: “unless the nature of the service provided by the undertaking renders that use impracticable, in which case the undertaking shall make use of those resources to the extent that is appropriate to their nature.”

The Chair: Thank you, Mr. Housefather.

Just to simplify things, if you have a copy of G-2 remaining, I think after “programming” the words are underlined. If I'm not mistaken, you just read all that was underlined.

Mr. Anthony Housefather: No, it would continue to go back to the bill, so to the words “to the extent that is” and then, going back to the last line of that clause in the bill, “appropriate for the nature of the undertaking”.

The Chair: Okay.

Does everyone understand? Does this bear repeating, or does everyone now understand what has been proposed?

Go ahead, Ms. Dabrusin.

• (1555)

Ms. Julie Dabrusin: I would like the department's assistance on that subamendment and why it is important. What could be the differential impact on different types of undertakings and different broadcasting entities if that were not included?

The Chair: Do I see any volunteers from the department?

Go ahead, Mr. Ripley.

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

Right now, the way the Broadcasting Act is structured is that basically undertakings have to make maximum use, in no case predominant use, of creative resources, etc., unless the nature of the undertaking renders that impracticable, and then they have to make.... I just don't want to mislead you here. It states, “shall make the greatest practicable use of those resources”.

That's the way the act is currently structured. The clause that begins with “unless” is important in the sense that you then may be holding a company to a standard that it is not able to meet just given the nature of the business. Therefore, there was always that release valve for the CRTC to say, “We understand the nature of the business. It's not possible for you to be held to the maximum, no less than predominant, use standard, and therefore you shall make the greatest practicable use of all resources.”

My understanding is that the way the NDP's proposed amendment is structured, Canadian undertakings would essentially be held to a standard that would no longer have that release valve, for lack of a better term. In some respects, I believe that what's being proposed by the NDP is setting a higher standard for Canadian undertakings and that foreign undertakings are not subject to that same high standard. The inclusion of that clause that begins with “unless” would, again, just ensure that Canadian undertakings benefit from the same treatment as foreign undertakings.

The Chair: Okay.

Go ahead, Ms. McPherson.

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

I'd like some clarity, perhaps from Anthony, perhaps from Mr. Ripley.

In terms of the “nature of the services”, what is the definition of “nature of the services”? I know that we looked at this in the previous amendment, G-2, but it looks like a loophole to me. It looks like an opportunity to provide a loophole, and I'm looking for some clarity.

Anthony, perhaps you could provide that.

The Chair: Before we go to that, since there was a direct question to Mr. Housefather, Mr. Champoux, I'm going to go to Mr. Housefather first for clarification and then go to you, okay?

Mr. Housefather, go ahead.

Mr. Anthony Housefather: I think the department has already raised that point. I think that you need to have something to say, but there are going to be some cases in which it won't be possible for them to reach that standard. You need to be able to say that certain undertakings are going to have to do their best but that they're not going to be able to rise to this standard.

I think that one of the problems here, honestly, is—we'll have to get to another amendment—the difference between foreign and Canadian ones. In the other one, the Bloc or the G-2 one, we didn't differentiate between Canadian and foreign; we just said that all broadcasting undertakings have the same responsibilities. If this is adopted, or regardless, I would still be moving to change the two-track tier to a one-track tier by removing the word “Canadian” and deleting (f.1), because I don't know how we say that Canadian broadcasters are subject to standards that are higher than and different from the standards for foreign broadcasters.

I am proposing this to be reasonable on both sides. I guess this is a hard one to amend because it has to be done in a two-track system. However, I'm going to be proposing this amendment, and another one afterward.

Thanks, Heather, for giving me the chance to clarify.

• (1600)

[*Translation*]

The Chair: Go ahead, Mr. Champoux.

Mr. Martin Champoux: Mr. Chair, I feel this wording will send a mixed message. On one hand, we are saying undertakings have to make predominant use of Canadian creative resources, and on the other, we are telling them to do what they can when it's not possible to meet the standard.

As I see it, if undertakings can't abide by the rules we put in place, then too bad. The rules we establish set out the requirements we want undertakings to comply with. We can't start making exceptions. As Ms. McPherson pointed out, there is room for interpretation regarding the nature of the services and the reasons why under-

taking X or Y cannot contribute to the creation, production and presentation of Canadian programming by making no less than predominant use of Canadian creative resources.

I think the wording says one thing and then contradicts itself. I think the current wording is fine aside from a few minor changes. That said, I find it hard to move forward with an exemption for undertakings that determine they are unable to follow the rules we are putting in place.

[*English*]

The Chair: Go ahead, Mr. Waugh.

Mr. Kevin Waugh: Mr. Chair, seeing that it is past four o'clock Eastern Time, I'd like to move adjournment.

I actually am flying home in 50 minutes. I'm sitting in Ottawa and I have to go to Calgary and then to Saskatoon. I think we've had three and a half hours of good dialogue here this afternoon.

The Chair: Now we have to go directly to a vote.

Ms. Heather McPherson: On a point of order, Mr. Chair, could I just ask for one quick thing?

The Chair: I'm sorry, but we can't do a point of order. I have to move straight to the vote as dictated by the Standing Orders.

Clerk, we'll have a vote on adjournment.

(Motion agreed to)

We'll pick it up at subamendment NDP-7 when we return on Monday.

The meeting is adjourned.

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