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• (1730)

[*Translation*]

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): I call this meeting to order.

Good afternoon, everyone. Welcome to meeting number 29 of the House of Commons Standing Committee on Canadian Heritage.

I want to acknowledge that this meeting is taking place on the unceded traditional territory of the Algonquin Anishinabe nation.

[*English*]

Because of the order of reference of Thursday, May 12, this committee is meeting on the study of Bill C-11, an act to amend the Broadcasting Act and to make related and consequential amendments to other acts.

Today's meeting is taking place in a hybrid format, pursuant to the House order of November 25, 2021. Members are attending in the room and remotely using Zoom.

As per the directive of the Board of Internal Economy on March 10, those who are in the room should wear a mask. I actually encourage people to wear a mask to speak, because that's when particles are spewed, so to speak.

I'd like to make a few comments for the benefit of the witnesses and members. Please wait so that I can recognize you before you speak. If you look at the bottom of your screen, for those who are virtual, you will see that there's a microphone icon. Please click on that to unmute yourself, and click on it to mute again when you're not speaking. There's a globe at the bottom of your screen, which is used for interpretation. You may go to English or French, or whatever suits you. For those in the room, you know you can use the earpiece and select the desired channel.

I also want to recognize that no photographs should be taken of this meeting. Finally, if you want to speak, you should speak through the chair.

Thanks very much. I want to welcome our patient witnesses. All I can say is that you have patience.

I would like to welcome, as an individual, J.J. McCullough. Also we have the Association québécoise de la production médiatique, Héléne Messier, president and chief executive officer. We have BCE Inc., with Jonathan Daniels, vice-president, and Karine Moses, vice-chair Québec and senior vice-president, content development and news. From Black Screen Office, we have Joan Jenkinson, executive director. From the Canadian Media Producers Asso-

ciation, we have Reynolds Mastin, president and chief executive officer, and Catherine Winder, chief executive officer, Wind Sun Sky Entertainment Inc. Then, we have Friends, with Marla Boltman, executive director; and finally the Public Interest Advocacy Centre, with John Lawford, executive director and general counsel.

Each group will have five minutes. You can divide who speaks in that five minutes amongst yourselves, but you have five minutes. I will give you a 30-second notice so that you know that you should wrap up. When everyone is finished, we will then move to a question-and-answer segment.

I will now begin with J.J. McCullough.

Mr. J.J. McCullough (As an Individual): Hello, friends. My name is J.J. McCullough and I am a professional YouTuber from New Westminster, B.C.

Today I hope to teach the committee about Canada's vast YouTube community and why so many of us fear Bill C-11, a bill we did not ask for and do not need, and one that threatens the success we've already achieved.

My channel subject matter is mostly cultural analysis with a focus on Canadian identity. My video topics have ranged from a biography of Wilfred Laurier to the history of potato chips to why different political parties use different colours. My most popular video, which is about a Dairy Queen in my community, has been reviewed over eight million times.

Professional YouTubers like me earn a living from in-video advertisements, with ad revenue generally correlating with the popularity of our videos. A YouTuber subscriber's count can offer a very rough estimate of its channel's potential audience size. My channel recently passed 750,000 subscribers. In total my videos have been viewed 230 million times. Now, these numbers might sound impressive, but I am actually one of this country's mid-level YouTubers at best.

According to socialblade.com, I am merely the 414th-most popular Canadian YouTuber. Indeed, according to Social Blade there are over 100 Canadian YouTubers with over 3.5 million subscribers and over a billion video views. However, popularity at this level isn't necessary for success. My friend Joe Lee is a professional Canadian YouTuber who makes videos about life in Vancouver and who was recently able to parlay the popularity of his channel into his own clothing line. He has just 156,000 subscribers and 12 million views, making him the 945th-most popular Canadian YouTuber.

This should hopefully offer a sense of the size of the YouTuber community as a fraction of the Canadian cultural economy. The tremendous success and even worldwide fame of many Canadian YouTubers in the absence of government regulation should invite questions about the necessity of Bill C-11. An unregulated YouTube has been a 17-year experiment, and the result has been an explosion of popular Canadian content produced by Canadians of every imaginable demographic.

Now, much of the debate around Bill C-11 has centred on so-called user-generated content, which is often meant as frivolous social media posts, but proposed section 4.2 states that the government is interested in regulating content that “generates revenues”, which describes the sorts of videos professional YouTubers create. Regardless, it is important to understand that it is simply impossible to regulate a platform like YouTube without also regulating creator content. It's like promising not to regulate books while regulating what can be sold in bookstores. Hence subclause 3(7) of this bill states that online platforms must “clearly promote and recommend Canadian programming”, but what is Canadian programming?

We know from the precedent of television that merely having a work produced by a Canadian is not good enough for the CRTC. The nationality of basically everyone involved from editors to musicians to visual effects artists must be factored in too. A detailed budget is expected, and the project's theme and subject matter must be explained. The CRTC website features countless forms TV producers must fill out in order to get their work certified as officially Canadian and thus worthy of promotion on Canada's heavily regulated airwaves.

Most Canadian YouTubers shudder at the thought that this could soon be our fate as well. Given the broad powers of the CRTC, which Bill C-11 expands to include digital platforms, the Canadian YouTuber community is right to worry that the continued success of their channels could soon be dependent on their ability to make content that's Canadian enough to obtain government endorsement.

Even more ominously, proposed section 9.1 of this bill says the CRTC can dictate “the proportion of programs to be broadcast that shall be devoted to specific genres” on digital platforms. Given that YouTubers make videos of every genre imaginable, from fitness to architecture to political commentary, it is frankly terrifying to imagine that government may soon have a hand in determining which genres of video are more worthy of promotion than others.

In summary, anyone proud of the tremendous success of Canadians on YouTube should be deeply concerned about the damage that Bill C-11 could do to their livelihoods.

I also worry that the dreams of the next generation of Canadian YouTubers will become less achievable once they're forced to navigate intimidating new regulatory hurdles my generation did not. Most of all, I fear the damage that will be done to Canada's legacy as a global leader of cultural entrepreneurship once our online creators are forced to make narrowly nationalistic content under duress in order to win the favour of a government in denial of what we've accomplished on our own.

Thank you.

• (1735)

The Chair: Thank you.

Now I go to Ms. Messier for five minutes.

Go ahead, please.

[*Translation*]

Ms. H  l  ne Messier (President and Chief Executive Officer, Association qu  b  coise de la production m  diatique): Thank you, Madam Chair.

Thank you for having me today.

I am H  l  ne Messier, president and chief executive officer of the Association qu  b  coise de la production m  diatique, AQPM.

The AQPM advises, represents and supports more than 160 independent Quebec film, television and web production companies. Members of the AQPM also produce content for online platforms, such as documentaries or web series. Therefore, many of them are also creators of original digital content.

On February 1, 2021, I appeared before the Standing Committee on Canadian Heritage to talk about the importance and urgency of passing Bill C-10. One year later, I am reiterating the same message concerning Bill C-11.

How do things stand one year later? Canadian domestic production and Quebec production are both declining. Less and less Canadian content is being produced in Canada. In fact, 58% of spending in the Canadian audiovisual sector now comes from companies that are headquartered outside Canada.

Independent production companies now account for 31% of the production volume—that figure was 35% last year—and broadcaster in-house productions, which are essentially news, public affairs or sports programs, account for 11%.

Some will say it's great that Canada is a land of welcome for foreign businesses, but that leads to a loss of intellectual property for Canadian businesses and job losses for Canadian creators and actors.

Giving up our ability to create, produce, showcase and broadcast our cultural content to benefit foreign interests is like accepting foreign companies exploiting 58% of our agricultural land, according to their own standards, and controlling the marketing of grains, fruits and vegetables, while selling them back to us at a profit. On top of that, we would be thanking them for the jobs they have created. That is what Bill C-11 remedies by giving the CRTC the tools it needs to support all actors that decide to do business in Canada.

Online broadcasting services occupy a space that is constantly growing in the broadcasting ecosystem. In Quebec, 70% of francophone adults subscribe to at least one on-demand video service, with Netflix being at the top of the list. In the francophone market, individuals in the 18 to 34 age group consume on-demand online content more than they do traditional television. In the 18 to 24 age group, people watch YouTube nearly eight hours a week, while TikTok is now one of the most used platforms by the youngest people and has grown by 55% over the past year. The TikTok platform even became an official partner of the Cannes Film Festival this year and created for the event a competition of short films under three minutes in which both experienced and emerging filmmakers participated. This situation was unimaginable only a year ago.

The use of social media to broadcast original and professional audiovisual content to reach audiences that are forsaking traditional media is a phenomenon that will keep growing. So it is essential that Bill C-11 enable CRTC to include in its area of jurisdiction both subscription-based streaming companies, such as Netflix and illico, and social media companies, such as YouTube, Facebook and TikTok.

It is also important for companies that provide Internet and mobile telephone services to be included in the bill, so that the CRTC may potentially determine how they could contribute to the creation and presentation of Canadian content. Those companies are currently completely excluded from the application of the act. Yet they play an important role in the ecosystem, not only by enabling content broadcasting and distribution, but also by providing privileged access to certain broadcasting platforms. For instance, Telus users get free access to ICI TOU.TV Extra; Vidéotron users have the same privilege, for three months, for Vrai and Club illico; and Bell Media and Rogers offer similar packages for Crave or Disney+.

• (1740)

The AQPM is also proposing certain amendments for the audiovisual industry, which are the result of a collaborative effort with the Coalition for the Diversity of Cultural Expressions or with the Canadian Media Producers Association and the Alliance des producteurs francophones du Canada. I may tell you about this later. Otherwise, I will send you those amendments.

Thank you very much.

[English]

The Chair: Thank you very much, Ms. Messier.

I'm going to go to BCE Inc. for five minutes, please.

[Translation]

Ms. Karine Moses (Vice-Chair Québec and Senior Vice-President, Content Development & News, BCE Inc.): Madam Chair and honourable committee members, thank you for hearing from us today.

Bell is Canada's largest broadcaster. We operate a variety of broadcasting services across Canada in English and in French.

We support Bill C-11 and urge its swift passage into law. It is long overdue. The bill begins to level the playing field between us and our foreign competitors, and that is important to the Canadian broadcasting system.

That said, the bill can and must be improved. Bluntly put, it does not properly recognize the central role Canadian broadcasters should have in our own broadcasting system. After all, it is the Broadcasting Act. The discussions to date—including those that occurred as part of Bill C-10—have dealt with important issues, but have also almost completely ignored what domestic broadcasters require to succeed.

As it stands, Bill C-11 does not explicitly incentivize foreign content providers to work in partnership with Canadian broadcasters.

This needs to change. Let me explain why.

[English]

Historically, Canadian broadcasters have succeeded by running hugely popular U.S. shows that appeal to Canadian audiences and attract significant advertising and subscription revenues. In turn, these revenues are used to fund the creation, production and showcasing of Canadian content.

At Bell Canada alone, we spend \$1 billion annually on Canadian productions, both our own and with independent producers. Part of this spend is for local, national and international news that provides uniquely Canadian perspectives on events here and around the world.

Let me be clear. Everything we are able to achieve as Canadian broadcasters is directly related to the profits we make by accessing foreign content. Without it, we simply don't have a business. We have achieved that access through a regulatory regime that enables it.

Go ahead, Jonathan.

• (1745)

Mr. Jonathan Daniels (Vice-President, Regulatory Law, BCE Inc.): How did the regulatory regime enable it? Through bold regulatory decisions that were made over 50 years ago to harness the power of Hollywood for the greater good of Canada through creative regulatory measures that put Canadian broadcasters at the centre of the broadcasting ecosystem.

Licence rules required partnerships between foreign and Canadian broadcasters, creating such success stories as Discovery Canada, a partnership between Bell Media and Discovery. Another example is simultaneous substitution rules that ensure that broadcasters can monetize all the Canadian viewership and generated revenues that could be funnelled back into news and Canadian shows. These solutions were not always obvious. It took the vision and fortitude of your predecessors to bring our ecosystem to life.

Let's be clear. Today these rules no longer work. Our access to popular U.S. shows has become increasingly challenging and expensive. Foreign streamers are bidding up the costs of programming acquisition. Even more concerning is that major U.S. studios have either cut out domestic broadcasters all together or are about to do so. Disney+ and Paramount+ are already using their own streaming platforms to reach Canadians directly. Others like HBO have launched their own OTT platforms in the U.S. and could still choose to do so in Canada. With the ability to go directly to Canadians on an OTT basis, we are starting to see these platforms refuse to sell us their content all together.

Why does this matter? It matters because it puts all we do—and by "we", I mean all that Canadian broadcasters do—at risk. Canadian broadcasters produce Canadian news that quite simply is essential to our culture, to protecting our democracy and to our national sovereignty. Let's not delude ourselves. The entire Canadian broadcasting ecosystem is funded by profits generated from foreign content. We cannot expect broadcasters to continue to produce and support the Canadian content that we do without access to foreign content and partnering with foreign players.

We can ensure the central role of Canadian broadcasters by securing access to foreign content. We can also incentivize foreign streamers to partner with Canadian broadcasters, much like foreign linear services have done for decades. We believe Bill C-11 should explicitly enable this. That is why we are proposing two important amendments to clauses 3 and 5 of the act today.

Finally, we wanted to let you know we are supportive of both the CAB's and Unifor's proposed amendments. A copy of them, as well as our specific amendments to clauses 3 and 5 of the act, are attached in our submission that we sent to the clerk.

Thank you for the opportunity to present our views. We look forward to answering your questions.

The Chair: Thank you very much.

Next up is Black Screen Office and Ms. Jenkinson for five minutes, please.

Ms. Joan Jenkinson (Executive Director, Black Screen Office): Good afternoon.

My name is Joan Jenkinson. I'm the executive director of the Black Screen Office, which is a non-profit, non-partisan advocacy association.

Our mission is to make Canadian screen industries equitable and free of anti-Black racism and to empower Black Canadians working within the screen industries to thrive and share their stories.

The BSO was founded in the fall of 2020 with the support of Telefilm Canada and the Canada Media Fund in response to Canadians' growing awareness of the need to take action to fight anti-Black racism. By this fall, the BSO will have released three research studies. One is on creating authentic and inclusive content. A second report will be Canada's very first race-based audience survey. A third report is a comprehensive labour market study of Black professionals in the Canadian screen industries. We also support Black producers and creatives with content incubators, by creating pipelines to decision-making roles in the sector and in attend-

ing international film festivals and markets. We work with industry partners to fund Black content creators.

Thank you for inviting the BSO to talk to you today about Bill C-11—the bill to amend the Broadcasting Act. The BSO supports the Racial Equity Media Collective's submission to this committee with proposed amendments to the bill. We agree with others about the need to ensure that all the players who work within the Canadian broadcasting system that compete for Canadian audiences and earn revenues from it should also contribute to it. However, the bill could be improved with a few small consequential amendments.

Canadians of all backgrounds have not had access to programming within the Canadian broadcasting system that authentically reflects the diversity of this country. The proposed amendments in Bill C-11 will prioritize greater equity and inclusion. We welcome Bill C-11's references to serving the needs and interests of racialized Canadians, but wherever the word "racialized" is used, we ask that it be replaced with "Black and racialized". We request this amendment as recognition there has historically been greater oppression of Black Canadians and greater barriers to inclusion for them than with other racialized Canadians.

For example, in the 2019 Statistics Canada survey, 45% of Black Canadians expressed that they experienced discrimination in the past five years compared to 27% from other visible minorities. This discrimination can play out in education, health care, employment, housing and, yes, the Canadian screen industries. There needs to be a targeted strategy to break down these systemic barriers and fight anti-Black racism. Lumping Black Canadians in with all other racialized Canadians risks policy and regulation being adopted that do not consider the specific needs and challenges of Black communities.

I would also like to address comments I've heard at this committee that under-represented Canadians have access to unregulated platforms, such as YouTube, for content that reflects them. I would like to ask why Black Canadians should be limited to user-generated and short-form content found on YouTube and TikTok and not have access to longer form stories found in serialized dramas, sitcoms and documentaries that reflect their lives, experiences and interests.

It is true that Black Canadians have access to content from the U.S. and the U.K. that is created by Black screenwriters, directors and producers, but that content does not reflect the Canadian Black experience. This is important. Canadian Black communities are incredibly more diverse than African American communities. We consist of communities in Nova Scotia and southern Ontario that are older than Canada, newer communities made up of people from the Caribbean, and more recent communities from Africa. With limited exceptions, the many stories of these various communities are not being told.

• (1750)

Why can't there be everyday Black Canadians in romcoms, sitcoms, sci-fi series, kids' show and documentaries?

The Black Screen Office looks forward to the swift passage of Bill C-11, with the proposed amendments and the subsequent CRTC proceedings that will create a regulatory framework that will support the creation, delivery and promotion of more Canadian programming that reflects the lives and experiences of Black Canadians.

Thank you, Madam Chair.

The Chair: Thank you very much.

I'll now go to the Canadian Media Producers Association for five minutes, please.

Mr. Reynolds Mastin (President and Chief Executive Officer, Canadian Media Producers Association): Good afternoon, Madam Chair and committee members.

My name is Reynolds Mastin, and I am the president and CEO of the Canadian Media Producers Association. The CMPA represents more than 600 companies across Canada engaged in the production of Canadian programming.

With me today is Catherine Winder, a member of the CMPA board and the CEO of the Vancouver-based production company, Wind Sun Sky Entertainment. Catherine has built a prolific career as a multiplatform adaptor of intellectual property, with such projects as *Star Wars*, *The Angry Birds Movie* and *Invincible*, to name a few. Thank you for inviting us to appear today.

The CMPA supports the passage of Bill C-11. The modernization of our broadcasting regulatory framework is critical to maintaining our national sovereignty, promoting a diversity of voices in our system and serving Canadian audiences.

Ms. Catherine Winder (Chief Executive Officer, Wind Sun Sky Entertainment Inc., Canadian Media Producers Association): For your consideration, we are proposing three amendments to the bill.

The first amendment would help ensure that Canadians own Canadian stories, meaning Canadian ownership of intellectual property and of all the rights that make up ownership of a Canadian show.

Unfortunately, that's not what's happening today. When a foreign web giant commissions a show from a Canadian producer, while on paper the producer gets to keep the copyright, the deals are structured such that the rights and the financial upside are expected to be

given up. The result is that most—if not all—of the show's revenue is vacuumed up by Hollywood for the life of the property.

An updated Broadcasting Act would ensure that Canadians share in the success of their own IP. In assessing the definition of a Canadian program, the bill should instruct the CRTC to consider the extent to which Canadians effectively own the full range of intellectual property in that program. In support of this objective, the CRTC would assess the extent to which online streamers and broadcasters are collaborating with independent Canadian producers.

When Canadian producers own the rights to their own IP, they reinvest the revenues that flow from that ownership into hiring more Canadian talent and developing the next great Canadian show. Owning our own IP also means that Canadians are in the driver's seat when it comes to who tells our stories and where and how they are told. Quite simply, ownership of Canadian IP by Canadians is an assertion of our national sovereignty.

Our second amendment is about ensuring a healthy balance in our broadcasting system by requiring fair negotiations between buyers and sellers of content. The buyer side of our system is currently concentrated in the hands of the foreign web giants, as well as Canada's vertically integrated telecom companies. These buyers hold an outsized advantage in negotiations with Canadian producers. The reason for this is simple. They are among the biggest companies in Canada—and, in some cases, the planet—while Canadian producers are overwhelmingly small and medium-sized companies.

With the deck stacked against them, most producers are forced to agree to a "take it or leave it" upfront payment. This means that with little leverage to negotiate meaningful ownership for the bucket of rights associated with their IP, producers risk not getting their shows made at all.

• (1755)

Mr. Reynolds Mastin: Change is needed to correct this market imbalance. The bill should ensure that the CRTC is empowered to require and enforce collective terms of trade between these buyers and independent Canadian producers. Terms of trade would provide a code of baseline conditions to be used in good faith negotiations between the parties when licensing a program.

This is not a novel solution. In 2003, the U.K. adopted terms of trade in its own Communications Act. Less than a decade later, the value of the U.K. independent production sector had almost tripled. In fact, this tool has been so successful that the U.K. government recently announced that it would maintain and modernize terms of trade. Given its success not only in the U.K. but also in France and Germany, we are confident that the adoption of a terms of trade amendment in Bill C-11 would result in similar success here in Canada.

Our third and final amendment would be to close a legislative loophole that generally excludes telecom service providers from the application of the Broadcasting Act. This exclusion no longer makes sense at a time when ISP and wireless services are playing an ever greater role in our broadcasting system.

Today Canadians watch content through their phones, tablets, laptops, and yes, also in their living rooms on TVs but those televisions increasingly stream programs over the Internet. The CRTC should have the ability to determine whether and how telecom providers could contribute to the creation of Canadian programming and the policy directions should instruct the CRTC to do this in a way that protects consumers and upholds the principle that those who benefit from our system should contribute to it.

In closing, we applaud the government for the introduction of Bill C-11 and look forward to responding to any questions you may have.

The Chair: Thank you very much.

I now go to Marla Boltman, executive director of Friends.

Ms. Boltman.

Ms. Marla Boltman (Executive Director, FRIENDS): Thank you. I'm going to switch to good evening now, Madam Chair.

Honourable members of the committee, thank you for inviting me to speak with you today.

I've had the pleasure of meeting some of you in advance of this bill's arrival at committee but for those I have not met, my name, again, is Marla Boltman, and I am the new executive director of Friends.

We have over 360,000 supporters, Canadian citizens from coast to coast to coast, who stand up proudly for Canadian culture in film, in TV, in music and in journalism, really in every space and place we can share our stories at home and abroad.

While I am new to the organization, I bring with me both a content production and entertainment law background, which for more than 20 years I have used to help advance the interests of those working in the Canadian cultural industries.

The last time my organization appeared before you to talk about Bill C-10 our name was Friends of Canadian Broadcasting. Today we are more simply called Friends. This is quite fitting because I'm not just here to talk about broadcasting. I'm also here as a friend of Canadian storytelling and Canadian cultural sovereignty, both of which will be affected by the work of this committee when this bill is adopted. I say "when" because I want to clearly and unequivocally state that, while it's not perfect, we support the adoption of Bill C-11 and believe it can be improved with some minor amendments.

One of the bill's imperfections lies in its silence when it comes to addressing the CBC's mandate. We are very disappointed by this, but a conversation about the modernization of our nation's public broadcaster clearly requires more singular attention, something that the government has committed to doing via Bill C-18, which we welcome.

In the meantime, I don't want to use these few minutes to give those who would like to see this legislation stalled any more reasons to pause, to prevaricate, to do nothing, because if we do nothing, how our stories are told, who gets to tell them and how Canadian audiences access these stories will all be decisions made by foreign tech giants, billion-dollar companies who have effectively been crashing on our cultural couch for almost a decade, paying nothing toward the structures and systems that allow Canadians to tell their own stories.

With the adoption of Bill C-11 we, as a country, will finally send a long-overdue notice to these foreign tech giants that their rent is due, but we cannot stop there. Bill C-11 must prioritize Canadian ownership and control of our broadcasting system as well as the content created to serve it. If it does not, these companies will not be paying us fair rent for the use of our home. Rather, their contributions may simply amount to a down payment on a broadcasting system that they could potentially own and control.

Our amendment to proposed paragraph 3(1)(a), jointly submitted with the Coalition for the Diversity of Cultural Expressions, is meant to address this ownership and control issue. As currently drafted, the language in proposed paragraph 3(1)(a) is a massive retreat of Canadian public policy. If we don't support our own media and preference over foreign media, then we are ultimately relegating ourselves to having no Canadian media at all.

We need only look to the decimation of the Canadian local news sector for a preview of what is to come if we do not take care of our media institutions, which is why support for Friends' amendment to proposed subsection 11.1(1), dealing with expenditure requirements, can lay the foundation for a stronger, more viable local broadcast news sector. It would help ensure that the cuts we've seen to local print outlets across Canada do not start coming to local radio and TV and that broadcasters have the resources to maintain quality local coverage.

In closing, I would like to remind this committee that the modernization of the Broadcasting Act isn't just about protecting industry and jobs. It's what Canadians want, Canadians who have sent a clear message to Ottawa that streaming platforms should contribute to Canadian storytelling and reflect our stories back to us. They think this is fair and we agree.

Thank you for your time and consideration on this incredibly important matter.

I am happy to answer any questions you have.

● (1800)

The Chair: Thank you very much, Ms. Boltman.

Finally, we will go to John Lawford from the Public Interest Advocacy Centre.

Mr. Lawford.

Mr. John Lawford (Executive Director and General Counsel, Public Interest Advocacy Centre): Thank you, Madam Chair.

The Public Interest Advocacy Centre defines the consumer interest in broadcasting as ensuring that consumers benefit from access to a wide variety of programming in the broadcasting system that offers choice in an affordable manner.

Unlike in 1991, consumers now pay for almost all broadcasting, whether with money or with personal information, including their online subscriptions, cable TV and video on demand, delivered by a BDU, or over the top, via the Internet. Consumers are now a key stakeholder in this debate. We are of equal importance to creators, platforms and producers.

We believe that extending CanCon financial support requirements to online services such as Netflix or Amazon Prime, and even social media platforms such as YouTube and Facebook, when used as program distributors, are generally supported by Canadians.

However, the bill grants the CRTC discretion to set the financial and potential other obligations of online undertaking registrants, no matter their size or type, provided they distribute any programs, which is overbroad. To solve this, we support an amendment to the bill exempting small online undertakings below a high Canadian revenues threshold, perhaps \$150 million, from financial and other conditions. This threshold would not affect registration or information requirements.

Consumers naturally resist the insertion of CanCon into automated plays or algorithmic suggestions of platforms such as YouTube, and digital first creators are concerned that such discoverability tools will backfire and reduce their audiences.

PIAC believes that the user-generated content problem can be addressed by redefining “discoverability” as not one concept, but two: static discoverability and dynamic discoverability.

Bill C-11's only new mandatory broadcasting policy requirement is proposed new paragraph 3(1)(r), which states:

online undertakings shall clearly promote and recommend Canadian programming, in both official languages as well as in Indigenous languages, and ensure that any means of control of the programming generates results allowing its discovery;

Clearly, discoverability is key to the drafters and must stay in some form. This policy objective mandates both static discoverability and dynamic discoverability. The first half could be satisfied by a banner ad on YouTube that simply links, upon a consumer's click, to selected CanCon. It is static. It is unobtrusive and likely unobjectionable to consumers, but still clearly promotes and recommends CanCon.

The second half of the new policy objective is dynamic. It requires AI prediction tools to insert a CanCon video or song into a user's auto-play feature or to dynamically suggest links. It is intrusive and disruptive to the user's expectations and experience. It is overkill to achieve the goal of “promote and recommend” CanCon. It is even more intrusive than the exhibition requirements on traditional broadcasters, because the online world is a world of abun-

dance and consumer choice, not scarcity, where mandated exhibition makes more sense.

Digital first creators are rightly concerned that the bill's requirement to use dynamic discoverability will backfire and actually demote the importance of, and user engagement with, their content. Canadian users who are involuntarily exposed to discoverability links will avoid or react negatively, thereby signalling to the AI globally and in Canada to demote the content.

The solution is to require only static discoverability tools and to require any Canadian content creator who wishes to have their content promoted, even by static discoverability, to apply to a new CanCon authorization authority, likely the CRTC. This will allow digital first creators the choice to continue to operate untouched by this entire regime, which PIAC believes they want, or to have their content promoted in the limited sense of static discoverability.

PIAC recommends amending proposed paragraph 3(1)(r) to remove the last 15 words, thereby directing the CRTC to satisfy the bill's discoverability requirement with only static discoverability tools.

I welcome your questions. Thank you.

● (1805)

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

Now we're going to go to the question-and-answer segment.

The first segment begins with a six-minute question and answer for each one of the parties on this committee. The six minutes includes questions and answers, so everyone please try to be succinct so I don't have to cut you off. This allows you to expand on some of the things you may not have been allowed to say in your opening remarks.

We will begin with the Conservative Party and Mr. Waugh.

Kevin, you have six minutes.

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

My disclosure to BCE is that I was an employee of your company for nearly 40 years. I'm going to start with you.

I find it astonishing that for 30-plus years, you made millions of dollars off U.S. productions, and you can sit and tell us in committee that others are holding back the U.S. production and now you're on the outside.

Live with Kelly and Ryan, The View, Dr. Phil, The Big Bang Theory, Ellen, American Ninja Warrior, Weakest Link, The Daily Show, The Late Show, Young Sheldon, NFL football—what do you pay today for American programming that is played on your stations across Canada on CTV?

That would be for Mr. Daniels or Ms. Moses.

The Chair: Go ahead.

Mr. Jonathan Daniels: Thank you.

I'll give it over to Karine to give you the answers to your question about what we pay today. We pay a lot of money for American programming. We're not denying that. You say it's surprising, but that's the business model. The business model is that we pay a lot for American programming, and then we take that and we have regulatory requirements to put it into Canadian content, including news.

I think when you look at what we do, it is all about the collection of the two together. We are able to monetize our American content by partnering with them in a way that's profitable both for us and the Americans, the content owners, but now they're seeing an opportunity to cut us out. It's not just us. I'm talking about all Canadian broadcasters.

Therefore, the kinds of things you can associate with us producing, including Canadian programs, which you didn't list off, but I can ask Karine to list all of our examples of that.... To see all of those examples, look at all of that and ask, are we going to continue to produce that...? Especially with news, who's going to produce the news if we don't have a model that ensures that Canadian broadcasters still have a role to play?

• (1810)

Mr. Kevin Waugh: That's a good point, because last year with TSN Radio, you flipped the switch on three markets, eliminated it in seconds, and then you went to comedy channels. You did this across the country, from Vancouver onward. You hold several radio properties, which are under Bill C-11. It's disrespectful to the listeners of TSN Radio, which you own in the Vancouver markets and so on. You cut Hamilton overnight and flipped the switch on the comedy channels without any input from the CRTC on licensing. It was just done. Jobs were lost and people were escorted out of the business. This is what we're seeing.

Yes, I'm going to give you kudos on Canadian news. You've exceeded your obligations in most markets. You have it in the morning, at noon, five and seven and late at night in many markets, so I will give you kudos for that. You've exceeded the hours required by the CRTC for news coverage.

At the same time.... You can talk about Canadian production, but I see very little Canadian production between seven and 10, which is the prime time. I see *The Big Bang Theory* over and over again at night. It's on three or four times.

Can we see any Canadian productions in the seven to 10 slot to promote Canadian culture, so that you don't have to go to L.A. and buy those foreign competitor shows that you're now up against, from the big, foreign people you just talked about? Is there any

hope that Canadian programming from seven to 10 can rival other programming that people can see, other than the NHL?

Ms. Karine Moses: Yes, there is definitely hope. As we mentioned, we are investing \$1 billion every year in Canadian content. As we speak, we have more than 150 projects under way with 75 independent producers here in Canada to develop Canadian projects. If we look at our prime-time schedule.... I don't think the debate should be around timing on the grid, but more about what Canadians want to watch and when, and on which platforms. That's what we're pushing.

You referred to a lot of titles that are American shows, but we have a lot of Canadian shows. We have *Children Ruin Everything, Canada's Drag Race, Transplant* and *Cardinal*. We have tons of shows in Quebec that are produced by our Quebec producers. Ninety-five per cent of our programming grid in Quebec is Canadian content. In English Canada, this is growing.

One of our strategic imperatives is to develop Canadian content more and more. Yes, we're investing in Canadian content.

Mr. Kevin Waugh: How's Crave doing? When I was at Bell and a streaming service like Netflix started, Bell thought at the time, "Don't worry. They're just streamers. They're not going to affect us." You started Crave, then you closed Crave and then you brought Crave back.

How are you doing with Crave? If you're going to talk about the new media, which is streaming, have you put any money into Crave and Canadian shows on Crave? If so how much have you put into Crave?

Ms. Karine Moses: We have many Canadian shows on Crave. We never closed it. Crave was launched many years ago, and it has always been there since. In fact, we grew Crave because we included French-Canadian content in Crave. We have more than 6,000 hours of French-Canadian content in Crave.

It's a success story for Canadians. It's the only Canadian streaming service that provides content in both languages across the country.

The Chair: Thank you very much, Ms. Moses.

I'll go to the Liberal Party and Michael Coteau for six minutes, please.

• (1815)

Mr. Michael Coteau (Don Valley East, Lib.): Thank you so much, Madam Chair.

Thank you so much to all the witnesses for joining us. This has been a very fascinating conversation.

For me, C-11 is about fairness, equality, inclusiveness, openness and respect. I think maintaining our Canadian culture through film and television is something that we as Canadians, as lawmakers and as citizens should be striving to do.

Ms. Boltman from Friends, I think the best line I've heard this evening was "crashing on our cultural couch". Thank you for sharing that, and I'll keep that in the back of my mind as we proceed.

I wanted to ask a few questions of Ms. Jenkinson from BSO.

We had a meeting earlier this week and heard from some witnesses that government should not be involved in the regulation of any type of broadcasting. In particular, we heard from one witness that some online streaming giants not wanting to carry such unique voices as OUTtv was capitalism at work, that it was fine and that the government should not be ensuring diversity in those voices.

I am completely opposite to that. I think that, in a democratic process, we should use democracy and the ability for government, through law, regulation and directives, to ensure that we have good Canadian content that reflects Canada today.

I want to get your opinion on that statement from a witness earlier this week.

Ms. Joan Jenkinson: We completely agree that there should be room in the spectrum of content to allow for content from channels like OUTtv. We think that traditionally under-represented creators are finding audiences on YouTube. The argument is that it doesn't need to be regulated because it's satisfying the diversity that we need in the industry.

What we've seen, first of all, is that a small percentage of creators are able to generate enough of an audience to make even \$10,000 a year from YouTube. The kind of programming we see is music, comedy, DIY shows and short snippets, but that should not be the only source for diverse content. People want to see shows that are scripted storytelling. They want to lean back on the couch and watch crime dramas and love stories and see themselves in it.

I think this is what all audiences want: They want choice. There certainly are great choices on the digital first platforms, but that doesn't negate the fact that we need these other platforms that are regulated. We think they all should be regulated, so that we can have the kind of content that our Canadian audiences are looking for.

Mr. Michael Coteau: Some of my colleagues on this committee—particularly the Conservatives—have suggested that we leave it up to the algorithm. We've heard from witnesses saying capitalism will ensure diversity of voices.

What's been the experience for Black Canadians when it comes to film and television and working with these online giants? What has the relationship historically been like? What is the impact on Black Canadians?

Ms. Joan Jenkinson: The content we see of Black people comes from the United States, generally.

In the history of Canadian television, prior to 2020, there have only been four TV drama series made by and about Black communities. When it comes to feature films, it takes between nine and 13 years to make a feature film—from a first to a second feature film. There has been very little on traditional platforms.

With the emergence of the new platforms, we're seeing user-generated content, which is great. It's providing opportunities for under-represented groups to have a voice and for emerging talent to have an opportunity to grow their talent, but again, we want to see choice. We want to be able to ensure that Black content creators have access to the bigger budgets to make the dramas, comedies and documentaries that a large percentage of the population wants to see.

• (1820)

Mr. Michael Coteau: Do you really believe that this bill will help ensure that, going forward, if we put in the right type of legislation...? I did hear you say that you have some suggestions on some amendments. But the overall spirit of C-11, from your perspective, would it be a good thing for Canadians in general?

Ms. Joan Jenkinson: I think it would be great for Canadians and particularly for under-represented groups, because equity and inclusion are at the core of the bill.

Mr. Michael Coteau: Thank you so much. I appreciate your time.

The Chair: Thank you very much.

Now I go to the Bloc Québécois with Martin Champoux for six minutes, please, Martin.

[*Translation*]

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

I also want to thank the witnesses for joining us today.

I will start with you, Ms. Messier. I know you have been carefully following our discussions on Bill C-11, and even on Bill C-10, since the beginning. This is an issue that is important to you. I would like to hear your thoughts on the situation.

Ms. Hélène Messier: That is a pretty general question, but what struck me the most may be some people's lack of understanding of the bill's scope, especially when it comes to social media. Yesterday's meeting with the CRTC shifted a lot of notions. That said, I must say that, in all the discussions on Canadian content, what struck me the most is the lack of consideration for independent producers' intellectual property.

What the big studios and platforms said to us is that they want the status quo. They want what they are already spending in Canada to produce American content here to be considered Canadian spending, simply because it is on Canadian soil. But that would have a devastating impact on our system. It would destroy everything we have been trying to do for 40 years.

Mr. Martin Champoux: You are talking about American companies' investments in film production in particular. That is a good point. We talked about that with Disney, among others, this week. We also spoke with Ms. Noss and Mr. Lewis, who deem those contributions sufficient, as you just said.

What tools could be implemented to ensure that those big companies' investments in content production in Quebec and in Canada would be profitable for the industry and not only for them?

Ms. Hélène Messier: They are trying to tell us that, since *X-Men* is being filmed in Montreal, it counts as Canadian content. That's like saying that a Hyundai vehicle is a Canadian vehicle because it was manufactured in Bromont by Quebec workers using components manufactured in Quebec. That's ridiculous. The notion of maximizing the use of Canadian creative resources and the notion of intellectual property must be kept at the heart of the definition of Canadian content.

The issue is not so much the definition of Canadian content as it is the nature of contributions that must be required from those people. In France, they are asked to invest 20% of their revenue in the production of local content. The obligation for traditional broadcasters, for instance, to work with independent producers must also be maintained. That should be the centrepiece, but other types of contributions could also be recognized. For example, Netflix is investing in the development of Canadian talent. So I think it is a matter of knowing how to assess that type of contribution, instead of focusing on the notion of Canadian content, which has helped protect our content and create our industry here, in Canada.

Mr. Martin Champoux: I will branch off toward social media, as I know you are carefully following that aspects, which is very important to you. You propose not only that social media companies be included in the legislation, but also that mobile telephone and Internet service providers be included.

You are looking for a fight!

Ms. Hélène Messier: I want to have the most equitable system possible. We know that the act is reviewed every 30 years, and that doing it is difficult. It is being said that anyone benefiting from this system must contribute to it. As we have seen—and the Canadian Media Producers Association, CMPA, is also talking about this—people are consuming more and more content on the Internet through those services. So it would be normal to require them to contribute to this system. Cable companies are contributing 5% of their revenue to it. I think the number of contributors should be increased. In addition, since two-thirds of Canadians subscribe to a cable television service and a smart phone or Internet service, the contribution could be reduced to 2% or 3%, while expanding its base, so as not to penalize consumers.

We know that people don't subscribe to an Internet service just to watch audiovisual content, for example. So revenue stemming from basic plans could also be exempted, as it is doubtful that people with a basic plan are going to consume a lot of audiovisual content, while those with unlimited plans are more likely to do so. I think there is a way to adapt the system to this new reality without hurting the consumer and that it would be fair to include telecommunications services.

• (1825)

Mr. Martin Champoux: I have a few seconds left to talk about paragraph 3(1)(f), which the Coalition for the Diversity of Cultural Expressions, CDCE, proposes to amend, so that it would be even more rigorous and ensure that everyone would make maximum use,

without online companies having a possible loophole. How important do you, as producers, think that provision is?

Ms. Hélène Messier: We think it is extremely important, as we currently have a two-tier system: one for foreign companies and another one for Canadian companies. We think all companies that produce Canadian content, and not content produced in Canada, should be subject to the same requirements, regardless of whether they are foreign or Canadian companies. That is our proposal. We support the CDCE's proposal.

Mr. Martin Champoux: Thank you very much.

Ms. Hélène Messier: Thank you.

[*English*]

The Chair: Thank you very much, Martin.

I now go to the New Democratic Party and Peter Julian.

Peter, you have six minutes. Thank you.

[*Translation*]

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you very much, Madam Chair.

I want to thank all the witnesses who are sharing many important points this evening.

I will try to address as many witnesses as possible.

Let me begin with you, Ms. Messier. You proposed amendments for the creation and presentation of Canadian content, including requirements for broadcasters in this regard, as well as the requirement that they conclude and honour commercial and collective agreements.

Can you please outline the importance of your two amendments?

Ms. Hélène Messier: I would like to focus on commercial agreements. Independent producers have very limited negotiating power in relation to traditional broadcasters, and even less in relation to platforms. Ms. Winder spoke about this earlier. Producers are often required to give up their rights in negotiations with these parties and major broadcasters; they cannot collect revenues and make decisions on the presentation of their works.

We know that it is independent producers who develop talent and invest in the training of new directors, new screenwriters. They are the ones who work with people to develop all the creative talent in Canada. It is therefore important that they retain greater control and exercise their rights.

In France, for instance, the agreements that they conclude with platforms, whether for television or film, include an exclusivity clause that can be extended to them for a period of time, between 12 and 36 months. So producers can reclaim their rights after that, keep them in their catalogue, and exercise them.

There are different ways of dealing with this. It is difficult for an independent producer to negotiate with a broadcaster, which is why collective negotiation is important. We recommend that this be done through associations that represent producers.

Mr. Peter Julian: Thank you very much.

[*English*]

I'm going to continue with Mr. Mastin and Ms. Winder from the Canadian Media Producers Association.

You've put a lot of accent on intellectual property. Why is intellectual property so important for independent producers? Why is it important that the CRTC has the power to have a framework around economic relations between broadcasters and independent producers?

• (1830)

Ms. Catherine Winder: Terms of trade help fairly rebalance negotiating power or level the playing field, given that streamers and broadcasters have tremendous negotiating power. It also helps Canadian companies own their own content, which drives growth, as Madame Messier has mentioned.

The terms of trade and the funding from streamers will enable producers to invest in new Canadian content, which is critical.

Let's talk about kids content for a moment. Our kids are Canada's future audience members. While Canadians used to be global leaders in the field of kid entertainment thanks to the broadcasters' obligations to Canadian content and children's programming, today there are few buyers remaining in Canada and far fewer opportunities for producers to produce this content than in the past.

The reality is that, combined with the climbing cost to produce, we as producers have no choice but to leave the country to get this type of content financed. In doing so, producers no longer have the leverage they once had when they were able to bring Canadian distributors and broadcaster financing to the table up front when doing deals. The result is that we really need terms of trade to help us ensure that we aren't forced to give away these long-term, valuable Canadian assets.

A perfect example of this is *Paw Patrol*. In *The Globe and Mail*, a Canadian Heritage stat came out a couple of weeks ago that said that, in 2019, *Paw Patrol* was responsible for 33% of the country's culture GDP. As you can see, it's tremendously valuable that we keep these assets.

Mr. Peter Julian: Thank you very much.

I'm going to move on to Ms. Jenkinson.

Ms. Jenkinson, we heard testimony at this committee about OUTtv being excluded from a number of online streaming companies. You mentioned the issue of unregulated online platforms.

Is it your opinion that Black and racialized Canadians may be excluded from online platforms in the same way we saw with OUTtv?

Ms. Joan Jenkinson: We don't believe they'll be excluded from online platforms in the same way, certainly.

What we are saying, again, is that we want to ensure there's funding in the system for content that is beyond user-generated

content, and that we have the choice, in the broadcast system, to have higher-budget content made by Black content creators.

Mr. Peter Julian: You mentioned the fact that unregulated online platforms may not provide the same space. Did I misunderstand your testimony?

Ms. Joan Jenkinson: We're saying that we don't think we should rely solely on online platforms to give us diversity in the system, such that under-represented groups would have to be relegated there to find their content. That diversity in the system is not satisfied solely by user-generated content. We also want to ensure there's money in the system to make content—dramas, comedies and documentaries—that large numbers of people want to see. We want to ensure there's funding in the system for Black content creators to make that content. Again, it's a matter of choice. That's not to say we wouldn't be in either place. We need both.

The Chair: Thank you, Ms. Jenkinson.

Thank you, Peter.

We're now moving into a five-minute round.

We will begin with the Conservatives for five minutes.

Mrs. Thomas, please go ahead.

Mrs. Rachael Thomas (Lethbridge, CPC): J.J., my questions are for you.

Many witnesses have come to this table—many with us here today—who believe we can classify them as traditional artists, I think. They believe we should rush this bill through the House of Commons.

I think it's important to note that most of the witnesses and stakeholders in favour of this legislation would benefit financially, if it passed. There is money that goes into something called the art fund. Those who contribute to it do so to the tune of 30% of their revenue. Of course, traditional artists can pull from that fund, but digital artists cannot. Traditional artists have everything to gain and digital artists have a lot to lose.

Do you agree with this observation? If so, can you comment on the damage this might cause to those who are digital first creators?

• (1835)

Mr. J.J. McCullough: Yes, that's a good observation.

I must say that listening to the other witnesses and hearing their testimony, it really makes me wish that we could just erect this big wall between old media and new media. I, as a new media creator, do not want to live in the world of old media. There's so much regulation. They have all of these financing issues. They want these subsidies. They opt in to these funding pools like you're alluding to, then they have all of these requirements for CanCon that they have to navigate. No offence to anyone, but it just seems like such a stressful, painful, difficult world.

In the new media world, which is much more dynamic, we're all independent. We're self-employed. We don't deal with government, and we don't have to have huge teams of lawyers to navigate all of these media regulations. If we feel like working with Americans, we just do and we don't have a big existential crisis about it. We've been very successful.

I prattled off that there are over 100 Canadian YouTubers with 3.5 million subscribers and over a billion video views. Initially, I wanted that statistic to be how many YouTubers there are with over a million subscribers, but the fact is that list is so long that Social Blade doesn't let you read it all.

We've been successful. So many of these self-employed, independent YouTubers in Canada have had tremendously successful careers as content creators, telling the stories that they want to tell, thriving, succeeding and becoming some of the biggest celebrities in the world.

I sometimes give speeches at elementary schools, because all of the kids want to see a YouTuber. They want to see what it's like. They all dream of that being their career. They want to be YouTubers as well. I say to them and their parents that it's a completely viable career path. All it takes to be a successful Canadian YouTuber is to have drive, initiative and self-discipline.

I don't have to live in the world that these other folks do, where it's all about regulations, navigating regulations and opting in to funding and all of this kind of stuff. We get our money from our advertisers. It's based on our ability to produce content that the masses want to watch—not only Canadians but a global audience. No Canadian YouTuber is successful just by appealing to Canadians. They are successful because they appeal to a global audience. That is the way that media works in the 21st century.

I make videos about Canadian stuff. I make videos about Canadian history, Wilfrid Laurier, politics and all of these sorts of things. International audiences eat this stuff up. They love it. They love to learn about Canada. I meet people on the street who say that they've moved to Canada because of my videos. It's remarkable.

I just think there needs to be a little bit more appreciation for how dynamic, exciting, entrepreneurial and prosperous this world of new media content creation is in this country. I think this committee and the House of Commons need not rush through a bill that could possibly inflict great damage on this dynamic, vibrant chunk of not only the Canadian economy but of the Canadian cultural industry in particular.

If we want to continue to regulate the old media and deal with that, that's fine. Just leave us out of it. That's my statement to this committee.

Mrs. Rachael Thomas: Very quickly, you're saying that Canadians are very successful in being able to reach a global audience. Obviously they depend on that. What will Bill C-11 do to that ability?

Mr. J.J. McCullough: It seems to me that the agenda here is to try to make Canadian content creators produce a certain kind of content for Canadian domestic consumption entirely. If I understand the agenda that's being articulated here, it's that the goal of the government, Parliament, is to create mandates for Canadian creators like me to make more explicitly Canadian content for a Canadian audience exclusively. It's the reigning consensus that dictates our existing CanCon regime when it comes to Canadian television, radio and all of that kind of thing. The idea is that government has to set down an explicit set of identifiers of what Canadian content is, and those identifiers are being done ostensibly for the benefit of a narrow Canadian audience that is determined to benefit from CanCon, with a capital C.

In my world, we make content with a global audience in mind. Canadians are part of the globe, so Canadians are certainly part of that consumer base, but they're not exclusively the only people we're targeting.

I think if you create a new regulatory system, you're essentially boxing in new media creators. You're saying that you know they had global ambitions, but now you want them to dramatically narrow their ambitions and only target Canadians, exist in this rarified, walled garden, and only appeal to other Canadians, which will dramatically shrink their revenue and appeal, and frankly will shrink the influence of Canadian cultural creators globally.

It is a good thing that Canadian content creators in the new media space are able to appeal to a global audience. As I said, my own life is a case study of this. I have introduced the world to Canada. I have made many foreign people interested in Canada and Canadian affairs, as I've said, even to the point where they've wanted to move here.

I think we have to be very sensitive to the idea that we live in a globalized world now. New media offers unprecedented global reach. We need to, I think, at least when it comes to new media, get away from this idea that Canadian content creators only exist for the benefit of Canadians. We exist for the benefit of the world.

● (1840)

The Chair: Thank you very much. I think your time is up.

I now move to the Liberals for five minutes with Mr. Bittle.

Chris.

Mr. Chris Bittle (St. Catharines, Lib.): Thank you very much, Madam Chair.

It's interesting that we hear about it being a viable industry when we heard testimony earlier in the week that 75% of eligible YouTubers make zero dollars and of the remaining 25%, 60% of those make less than \$10,000.

Ms. Rachael Thomas: Chris, you're one of those.

Mr. Chris Bittle: Madam Chair, Ms. Thomas is interrupting me. I know she was quite upset about it last week, but I'm about to ask witnesses questions. I'm hoping my time could be restarted, Madam Chair.

The Chair: All right, I shall stop this minute.

Please, it would be nice if we respected each other when we have our time to question witnesses.

Mr. Bittle, please continue. You have the floor.

Mr. Chris Bittle: Thank you very much, Madam Chair.

I'd like to thank Ms. Thomas for her sudden interest. I know she's been talking through most of the witnesses, but it's nice she's paying attention right now.

I will go to the CMPA. I was wondering if you could speak to the presence of traditional artists on digital platforms, where we're hearing about this wall in these two worlds. I was wondering if you could speak to that.

Mr. Reynolds Mastin: This has been a very interesting dialogue so far. I think it gives all of us opportunities to correct misapprehensions across the divide.

I just want to point out, first of all, that Canadian producers have always been globally focused, and the reason for that is that the production of professional content costs a lot of money. It employs a lot of highly skilled people, and they're well paid to contribute to Canadian programming. As a result, in order to raise the budget for those shows it's necessary and always has been necessary to go into the international marketplace and find partners.

Usually what that results in is the show being broadcast and distributed in all kinds of markets around the world. I could give you a very long list of Canadian shows that are broadcast and have incredible audience numbers in literally hundreds of markets around the world. It's never been the case that the so-called traditional Canadian production or media industry has only been Canada-focused even though, of course, we are very proud to serve Canadian audiences, to be rooted in this country and to employ the tens of thousands of creators and creative workers whom we do.

Mr. Chris Bittle: Thank you so much.

We heard from Jérôme Payette last week that streaming and social media platforms aren't neutral. They choose winners and losers. I'm wondering if you could speak to that.

Mr. Reynolds Mastin: Mr. Payette is a member of the Coalition for the Diversity of Cultural Expressions. Unlike Mr. Payette, the CMPA and our members, because overwhelmingly our business is conducted with Canadian broadcasters and streaming platforms, we don't have the same level of expertise as Mr. Payette or the coalition does on how social media platforms operate their businesses or how best they should be regulated, but certainly the coalition does have that deep expertise. We are a member of that coalition and we

take guidance from them and support their submissions in this regard.

Mr. Chris Bittle: How do we ensure that we aren't a branch plant for a cultural economy, a "rip it and ship it" based economy, so that Canadians benefit but industry retains its value?

Ms. Catherine Winder: Can I jump in here, Reynolds?

Mr. Reynolds Mastin: Absolutely.

Ms. Catherine Winder: That's back to IP ownership and ensuring that Canadians retain the IP that they've invested in that tells Canadian stories and global stories. I want to point out that everything we do as a company here is globally focused. We build global audiences and produce massive global brands.

I'd like to tell you a story to the point of the potential of becoming more of a factory per se.

• (1845)

The Chair: You have one minute.

Ms. Catherine Winder: Recently, we had a streamer make an offer for one of our properties. The deal was typical of those offered by the streamers, by the major studios today, whereby we had to give up all of our global distribution rights, our format rights and essentially full creative control to get our show made. In return, we were offered a relatively small participation and a decent production service fee. While we invested heavily in the development of the project and were bringing some of the shows financing to the table through our tax credits, the studio did not recognize these financial contributions as warranting the retention of any meaningful share of our rights.

The challenge we faced, as do many independent producers, is that our potential U.S. partners had taken the position that the government incentives are not for the benefit of building the Canadian industry, but rather to help finance their content libraries.

Given that most producers do not have the resources to push back, precedents have been set where this has become the norm, and we have little or no leverage. Based on the proposed structure—

The Chair: Thank you very much. I'm sorry.

I now go to the Bloc Québécois and Martin Champoux for two and a half minutes.

[Translation]

Mr. Martin Champoux: Thank you, Madam Chair.

This is for Ms. Moses, from Bell Canada Enterprises.

We talked earlier about Bell's activities in television, but it also has important activities in radio. Bell owns a number of radio stations, especially in Quebec. That is what I want to talk to you about.

A recent ADISQ survey of 4,003 respondents provides a lot of very useful data. I do not know if you are familiar with this survey. It found that 90% of respondents in Quebec consider it important for the government to protect Quebec culture.

As to promoting Quebec music, 70% of those who use online listening services stated that they like the fact that those services offer French-language music from Quebec.

Moreover, 67% of respondents believed that the government should create legislation requiring all online music platforms—Apple Music, Spotify, YouTube, and so forth—to promote French-language music from Quebec.

Ms. Moses, Bell and its radio stations are subject to French-language music quotas set by the CRTC. Do you think these quotas are effective for the promotion of French-language content from Quebec?

Moreover, do you think it would also be beneficial if these quotas applied to online platforms?

Ms. Karine Moses: Yes, we are all in favour of promoting Quebec culture, and I am the first to say so since I am a Quebecker. As I have said, we invest a great deal in Quebec content, both audio and video. In terms of quotas, I think the goal is to offer people what they want to hear. If they want to listen to music from Quebec, we offer it to them. The same is true for television programming from Quebec.

Ultimately, the goal is to offer Canadians and Quebeckers—

[English]

The Chair: Thank you, Ms. Moses. The time is up.

[Translation]

Mr. Martin Champoux: Madam Chair, I have at least 40 seconds left.

[English]

The Chair: I'm sorry, Martin. The time is up.

[Translation]

Mr. Martin Champoux: Madam Chair, I have at least 40 seconds left.

[English]

The Chair: No, I have here—

[Translation]

Mr. Martin Champoux: Madam Chair, Mr. Julian and I set our clocks at the same time and they say the same thing. So I have at least 30 or 40 seconds left before you interrupt me.

If I may, I would like to ask Ms. Moses my last question.

Ms. Karine Moses: Shall I continue?

Mr. Martin Champoux: Yes, I interrupted you—

[English]

The Chair: I will give you that leeway, but my clock is not saying that. I set my clock exactly when I told you that you had two and a half—

[Translation]

Mr. Martin Champoux: My apologies, Madam Chair—

[English]

Mr. Peter Julian: I have a point of order.

The Chair: Go ahead. Let's not waste time.

[Translation]

Mr. Martin Champoux: Okay, thank you.

Ms. Moses, you said you have to offer people what they want, but that in a way contradicts the principle of allowing people to discover music. We cannot continually provide what people are already familiar with.

Would you not agree that the requirements relating to discovering music mean that people can discover and appreciate music?

Ms. Karine Moses: Yes, I agree with you, and I was just about to say that diversity and the content offered are extremely important. That is what makes our industry flourish, and that applies to both television and radio. Discovering talent applies to all platforms and all kinds of art. That is our goal.

Regardless of the content, if it is not diversified, there is no audience. On the other hand, the larger the audience, the higher our revenues, and the more we invest in our Canadian, Quebec, French and English content.

• (1850)

Mr. Martin Champoux: My time is really up now.

Thank you, Ms. Moses.

Ms. Karine Moses: Thank you.

[English]

The Chair: Thank you very much.

I now go to Mr. Julian for two and a half minutes, please.

Mr. Peter Julian: Thank you very much, Madam Chair.

I'd like go to Ms. Boltman now.

Ms. Boltman, the Friends' brief talks about the tens of thousands of jobs lost over the last few years and cites that Google and Facebook made \$7.5 billion in Canada from digital ads in 2019.

Is this why Friends is pressing the committee to adopt Bill C-11? Is it that we're seeing, in addition to its being an uneven playing field, that we're essentially hoovering money out of the country and some of it should come back to actually create Canadian productions and provide for the ability of Canadians to tell stories, both to themselves and to the world?

Ms. Marla Boltman: If I may, I guess what you're asking is why Bill C-11 matters to us.

We share the longest international border with the most dominant power and most prolific producer of entertainment content in the world, and for better or for worse, American content has an incredible influence over our culture. However, history has taught us time and time again that failure to protect and promote our culture and our identity is a recipe for foreign domination.

Our ability to protect and promote Canadian culture and identity happens through our sharing of stories, be they film, television, journalism or music. By whatever audiovisual means, the survival of our stories has always rested on government support, and Bill C-11 will allow us to remain in control over our culture and our stories by shoring up that support.

Requiring contributions from foreign tech giants that extract billions of dollars from our country will help sustain our industry while driving investment and innovation in the creation of Canadian content that continues to reflect our diversity of voices and who we are as Canadians. Foreign contributions will level the playing field between Canadian broadcasters and foreign platforms. Frankly, it sends a message to the world that Canada is open for business, but there are no more free rides. If you benefit from the system, you must contribute to it.

Mr. Peter Julian: The link between the loss of jobs in the industry and the fact that, at the same time, we've seen massive amounts of revenue leaving the country, essentially means that, as you note in your brief, Canadian media lost 50% of its ad revenues from 2017 to 2019.

Ms. Marla Boltman: I think that in our brief we're talking more about news. If you want to talk about jobs in the cultural sector in general, I think there are other people.... The DGC spoke to this last week, about the declining sector, and I think the CMPA can speak well to it, too.

I'm happy to speak about news, but I get the impression that you are trying to speak more about the cultural sector in general. I'm happy to speak about the news sector, if that's what you're asking.

The Chair: I'm afraid you have only one second left.

Thank you very much, Ms. Boltman.

We will move on now to Ms. Thomas for the Conservative Party for five minutes.

Mrs. Rachael Thomas: J.J., you wrote a column in the New York Times a little while ago, in April. In it you said the following:

...an act of an authoritarian-minded government seeking greater control over independent media for purely ideological purposes in a globally unprecedented reimagining of the state's right to control online content, justified only by an imperious assertion that politicians and bureaucrats should decide what their citizenry needs to see.

If passed, it will serve only to empower other regimes that believe the unrestricted freedom to choose what we watch and hear is a monster to be slain.

Do you care to elaborate on this?

Mr. J.J. McCullough: That's some good rhetoric on my part— isn't it?

It was in The Washington Post, just for the record. When we hear some of this rhetoric, I think it disturbs some people. We hear stuff about how we have to protect ourselves from foreign domination and we have to maintain our cultural sovereignty. It's the idea that Canadian culture is this fragile thing that the evil foreigners are going to corrupt and sort of erode. That, to me, is the kind of rhetoric you associate with Viktor Orbán's Hungary or something.

I don't think that a progressive democratic country like Canada wants to set the road map to regulating the Internet that can then be adopted by the Viktor Orbáns of the world. What's to prevent an authoritarian government from saying that we want to protect our cultural sovereignty too, and that's why we need to regulate YouTube and make sure that only great patriotic content is seen. We'll play around with the algorithm to ensure that only the patriotic content we believe our people should see will get boosted in their feeds and their subscriber accounts, and all that kind of stuff.

This is a real old-fashioned way of thinking about Canada and thinking about Canadian culture, which I personally do not have a lot of time for. I think it is increasingly a very dated premise of thinking about culture, which most YouTubers just do not conceptualize in the same way. They don't think they're making content in order to preserve some fragile idea of Canadian sovereignty. They think they're making a cooking video, a fitness tutorial or a DIY video.

I make videos that are specifically about Canadian stuff, but there are tons of Canadian YouTubers who have been successful by just making the kind of content that they think there's an audience for. Sometimes that audience is Canadian. Sometimes that audience is international.

Canadians are very diverse people, and we have a lot of different interests. I think the great thing about YouTube and new media is that it allows Canadians to create the kind of content they want for a market that they believe exists. They sink or swim based on the popularity of that. It's true what one of the other fellows said, which is that there are a lot of failed Canadian YouTubers. There are a lot of failed Canadian actors. Nobody is guaranteed success in the cultural realm.

I think that YouTube is a marvellous case study of how you can be an independent Canadian content creator and achieve wealth, success and fame, and all of the sorts of things that creatives want, without government regulation, without subsidies, without mandates and CanCon requirements, and all of this kind of stuff.

What I am saying is that I think we need to kind of get away from this.... If old media wants to still live under that regime, that's fine. To me, as a new media creator, when I hear talk of protecting our culture from foreign domination and how we need government's sort of paternalistic hand to ensure that YouTube will be more patriotic and more Canadian, and that consumers of YouTube will only watch the right sorts of videos, that stuff gets my back up, and it gets the back up of a lot of Canadian content creators who don't want to be told what kind of content they have to make.

• (1855)

Mrs. Rachael Thomas: J.J., what you're talking about is the desire under Bill C-11 that the government has to protect Canadian culture. Ultimately what it means is that CanCon, anything that fits that definition, which is an antiquated definition to begin with, will be bumped up in the queue in terms of discoverability online, and other material that doesn't meet that antiquated definition will actually get bumped down, maybe even be on page 553 of the Internet, where it will never be discovered in its lifetime.

What impact will this have on digital first creators?

Mr. J.J. McCullough: This is a very important point.

In the YouTube world, we have a term where we talk about getting buried. YouTube has its own algorithm, which is controversial in its own terms, as in what makes a YouTube video easy to discover or not easy to discover. YouTube has its own sort of system of that. If government gets involved, if the CRTC gets involved and comes up with its own sort of metrics, then you have this whole new stress to worry about. Is your video not only getting suppressed by YouTube's algorithm, but now by some sort of new content regime that the CRTC has imposed on YouTube? Is your video getting suppressed even though it's made by a Canadian, because it's not Canadian enough by whatever the CRTC's definition of "Canadian enough" is.

As I said in my opening statement, the CRTC makes—and I'm sure the other witnesses are well aware—you jump through all sorts of hoops in order to obtain what is literally called "Canadian certification", having to affirm that there were enough Canadian actors, enough Canadian music, that it was made in Canada, etc., as well as content stuff.

These are all of the hoops that you have to jump through. A lot of Canadians are going to be oblivious to all of these hoops. A lot of Canadian YouTubers are even oblivious to this discussion that's happening. I worry very much that a lot of YouTubers are going to wake up one day and they're suddenly going to see their content suppressed. Suddenly, they're not going to be making as much money and not getting enough views because government has intervened.

The Chair: Thank you very much.

Now I go to a round with the Liberals and Anthony Housefather.

Anthony, you have five minutes.

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

I want to thank each and every one of the witnesses.

Reynolds, I want to thank you for reminding us that traditional Canadian broadcasting is also being seen outside of Canada. I know when we were kids it was *Degrassi*. Today it's *Schitt's Creek*. It's hardly YouTubers who have been the first to ever export their content out of Canada.

We haven't talked about this a lot today, but I also want to say that we're coming at this bill from a cultural point of view. It's also the protection of French original content in Canada. We do have a French-speaking minority in this country that we need to protect and promote.

I say this, by the way, Mr. McCullough, not to come at you unfairly. I am a proud Canadian who lives in Quebec, is a Quebecker, is against Bill 96 and Bill 21, and has spoken out against those things. I also believe you have a right to be a French-speaking Canadian and live anywhere in this country and be comfortable, or be an English-speaking Canadian and live in Quebec and be comfortable.

That's why I want to ask you about a couple of things that you've said about bilingualism. I found an article where you called French "an exotic dying language utterly irrelevant to" the ordinary lives of most Canadians.

• (1900)

Mr. J.J. McCullough: Do you think that's not true?

Mr. Anthony Housefather: I have also found the article you wrote that says that bilingualism is a threat to Canadian democracy.

Part of Bill C-11, as a national government, is protecting the French fact across Canada. I am asking this question to you in English and not in French because I am not trying to score political points on it.

Can you tell me why you believe that bilingualism is a threat to Canadian democracy and whether or not you believe the federal government should have a role to play in protecting French culture across Canada?

Mr. J.J. McCullough: Madam Chair, I do not believe that this is the topic of this committee's discussion. We are not here to help—

The Chair: Excuse me. I'm sorry, sir, but the committee knows exactly what its topic is. It's Bill C-11.

Thank you. Please answer the question.

Mr. J.J. McCullough: I don't really feel like it's appropriate, Madam Chair, to have a conversation about my views on bilingualism. That does not strike me as the topic of conversation this afternoon.

The Chair: You do not make those decisions, sir.

Mr. Anthony Housefather: Madam Chair, it's okay. I appreciate your jumping in.

Mr. McCullough, I do believe this bill is about bilingualism. I believe this bill is about ensuring that English-language minority content in Quebec and French-language minority content in the rest of the country is treated with respect and that we give the opportunity for people in both languages to express themselves across this country and develop their own original programs.

In the last Parliament, Mr. McCullough, this committee adopted many amendments to this bill that dealt with this very issue. We've had many witnesses come to talk to us about how important this is.

My question again to you, sir, about this bill is this. Do you believe that it is fair in Bill C-11—an important part of Bill C-11—that the federal government is protecting French content and French original creation of content across Canada in all forms?

Mr. J.J. McCullough: I do not believe that it is the role of the government to impress French content upon Canadians if they don't want it. If Canadians want to watch, say, French YouTube videos, there is nothing to prevent them from discovering those videos and watching them. I do not believe it is appropriate for the government to pass laws, regulations or mandates that would force YouTube to impose French content on YouTube users who don't want to watch that. To me, that seems just preposterous.

I think this should be ultimately a consumer-driven phenomenon. What consumers want to consume is what they should be free to consume. I don't think it's the role of government to tell them to watch more French videos or tell them to watch more videos on X, Y or Z. I don't think it has anything to do with French. It has everything to do with consumer demand.

That's my perspective because I believe in a free market and I believe in a free market approach to culture. I don't believe in the idea of a government-knows-best approach to culture in which politicians, bureaucrats or whoever get together and say, “Do you know what Canadians need to watch more of? It's this, that and that, and we should use the strength and the power of government to force this into their YouTube feeds, their subscription feeds, onto their airwaves or onto the radio” or whatever. That's my opinion.

I know that's perhaps not your opinion, but that's what I believe. I believe in the freedom of consumer choice. I believe that content should sink or swim based on its popularity.

Mr. Anthony Housefather: I am giving you the opportunity to express those views here at this committee. All Canadians can hear exactly what you think about that, which is important. It wouldn't have happened in Viktor Orbán's Hungary, probably. It wouldn't have happened in a lot of the totalitarian regimes of different countries you've compared...as you've been talking about this bill.

In terms of your comparison that Mrs. Thomas just asked you about and you brought up Hungary—you've also compared it to China and Russia—why do you believe that this bill is about ideologically motivated censorship and thought control? That's essentially what you're saying.

Mr. J.J. McCullough: No, I'm not saying thought control, but don't you think that there are some analogies here? If the Chinese established a bill like this and said, “We're doing this to protect our cultural sovereignty from the evil foreigners and their bad, foreign ideas that will corrupt our culture”, wouldn't you find that problematic?

Mr. Anthony Housefather: I think we're reading a different bill.

Madam Chair, how much time do I have left?

Mr. J.J. McCullough: No. Don't you agree on the same grounds? Don't you think that there's something—

The Chair: Give me a second, please.

Mr. J.J. McCullough: I'm sorry...?

The Chair: I was asked a question. I need to answer.

How much time do you have left, Mr. Housefather? You have a minute.

Mr. Anthony Housefather: I have a minute. Okay.

Again, I don't think I'm reading the same bill.

Mr. J.J. McCullough: I'm asking, don't you think there's something problematic about a government that says we need to protect our cultural sovereignty? What would you think if the Chinese said that? Wouldn't you find that problematic?

Mr. Anthony Housefather: I would think that the Chinese wanted to protect Chinese cultural sovereignty, but would do so in a very different way from Canada. In China, you have a government that tells people what they need to think and what they need to say, and if they don't say it properly, they can be thrown in prison and they could suffer terrible consequences. That doesn't happen in Canada.

• (1905)

Mr. J.J. McCullough: What are the consequences if—

Mr. Anthony Housefather: It's my time.

I'm trying to answer your question, Mr. McCullough.

Mr. J.J. McCullough: Yes.

Mr. Anthony Housefather: In Canada, you can come to a parliamentary committee and say whatever you want. You can say whatever you want on your YouTube channel. There's nothing in this bill—let me be very clear about it—that would take away your right to freedom of speech in this country. It is a protected right under section 2 of the charter, and it is absolutely protected under this bill.

Thank you, Madam Chair, for the time.

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

I think we are going to end our witness question-and-answer period, because we have to go into a business meeting right now.

I want to thank the witnesses for coming. I want to thank them for their patience while we waited to vote, and then thought we could start and then had to go back for a vote. I want to thank you very much. You offered a lot of insight into some of the complex questions that we on this committee are hearing.

I want to thank you for coming.

I would like the clerk to suspend the meeting, so that everyone can leave and we can begin our business meeting.

• (1905) _____ (Pause) _____

• (1905)

The Chair: I call the meeting back to order.

Colleagues, I think we should begin this business meeting. We have 15 minutes for it.

I would like us to go back to where we left off the last time. Our objective for this meeting is to decide on a deadline for submitting amendments. When we left, there was a suggestion that that deadline be Friday at 4 p.m., eastern time. We will begin to discuss this deadline, because we must have one set, so that we can get these amendments to the legislative clerks to begin their job, and that will take time.

Is there anyone with their hand up wishing to speak to this issue?

We have Peter and Martin.

Peter, begin please.

Mr. Peter Julian: Thank you very much, Madam Chair. I'd like to move that the deadline be 4 p.m. on Friday, and that the committee accept later amendments by unanimous consent.

The Chair: Thank you. You're moving this.

Mr. Peter Julian: Yes.

The Chair: We now have a motion on the floor. I will entertain debate.

Go ahead, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Madam Chair, I did not raise my hand.

I agree with the motion.

[*English*]

The Chair: Thank you very much. I thought I saw your hand up.

[*Translation*]

Mr. Martin Champoux: No.

[*English*]

The Chair: That is the sum of the debate. Is there anyone wishing to speak to this, because if not—

Yes, Clerk.

The Clerk of the Committee (Ms. Aimée Belmore): I'm sorry. Did you mean specifically the motion of Mr. Julian? I had the speaking list before he moved his motion.

• (1910)

The Chair: He's moved his motion, so we now have a speaking list for the motion.

Can you please tell me the speaking list?

The Clerk: Absolutely. It's Ms. Thomas, Mr. Waugh and Mr. Albas.

The Chair: Go ahead, Ms. Thomas.

Mrs. Rachael Thomas: Thank you, Chair.

The motion that has been moved is that our amendments would be due to the committee by 4:30 p.m. on Friday, and—I believe that I should finish that—if additional amendments are desired, they could be brought forward and passed with unanimous consent.

I think it's been made very clear—

The Chair: I'm sorry to disturb you, Ms. Thomas.

I don't think Mr. Julian said that amendments from the floor should be passed with unanimous consent. I don't think that was in his motion.

Mrs. Rachael Thomas: Perhaps his motion could be circulated so we can see it. Out of respect for our French colleagues, perhaps that could be done in both official languages.

Mr. Peter Julian: I have a point of order, Madam Chair. It's a procedural motion, but Mrs. Thomas is right to point out that amendments that come in after that deadline would be accepted by the committee by unanimous consent. I mentioned, in our discussions earlier this week, that the goal is to get things going, so that all the work of translation and production can be done.

At the same time, I certainly recognize Mrs. Thomas's point that amendments will come in after the deadline. My goal is to facilitate that. I think that all four sides of this committee have tabled in good faith, acknowledging that the Conservatives want to bring amendments late, that this isn't a problem and that we accept them—as is tradition—by unanimous consent.

This wouldn't be to block any late amendments, but to allow us to get things going. We've already been working diligently on our amendments, and I know the other parties have as well. We need to get things started, because the production chain takes a long time.

The Chair: Thank you, Peter. I think we have a—

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): I have a point of order.

The Chair: Yes, go ahead.

Mr. Dan Albas: Thank you, Madam Chair.

I know it's not procedurally correct to do a point of order while someone has done a point of order, but I want to relay the issue that the information just shared by my honourable fellow British Columbian Mr. Julian was actually debate. If we are going to use points of order, they should be procedural, not areas that interfere with debate. I believe MP Thomas had the floor.

I will now pull back.

Madam Chair, I hope you will consider ruling on that.

Thank you.

The Chair: Thank you.

There is nothing to rule on. A question was asked of Mr. Julian: Would he circulate his motion in writing, in English and French? I think that is what Mrs. Thomas was suggesting.

Mr. Dan Albas: It was a point of order, Madam Chair.

The Chair: Mr. Julian responded.

No, I thought Mrs. Thomas was speaking to the motion.

Mr. Dan Albas: It was a point of order. He actually interrupted MP Thomas.

The Chair: I don't know that he interrupted her. He was answering her question. Anyway, I rule thus.

Go ahead, Mrs. Thomas. Do you think that clarified his motion, or do you need further clarification?

Mr. Rachael Thomas: Madam Chair, all I heard was a point of order. I didn't actually hear from you any clarification to my question. I am seeking it from the chair. I'm seeking clarification on this motion. My understanding is that this motion says our amendments are due by 4:30 p.m. Friday and that amendments thereafter can only be submitted with unanimous consent.

Madam Chair, I am asking you to clarify whether this is, in fact, the case, and I am also asking for this motion to be distributed in writing so that we have it in front of us.

The Chair: Thank you.

I'm clarifying that is indeed what Mr. Julian said, and he clarified it again in response to your original question.

Mr. Julian, do you have this in writing? Can you quickly put it in writing, so that we can send it to the committee?

• (1915)

Mr. Peter Julian: It's a procedural and not a substantive motion, Madam Chair. Mrs. Thomas knows that. If she wants me to write it up. It's very simple. It's 4 p.m. on Friday, with late amendments accepted by unanimous consent. However, I will write that up, unless the Conservatives want friendly amendments, in which case that may change the motion.

I think it's best to hear from the Conservatives on whether they want any modifications or friendly amendments to what I've just proposed.

The Chair: Could we ask Mr. Méla, who is here as the legislative clerk, to comment on this?

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

I want to ask a question of Mr. Julian regarding the necessity of UC in providing new amendments once the deadline has passed. The usual practice is that it would be possible to provide amendments without UC. That is my question here.

Mr. Peter Julian: If that is what the Conservatives are looking for, then that would certainly be something I would consider.

Mr. Dan Albas: Madam Chair, it's Dan Albas again. I do apologize, because I'm not a regular member of the committee. I'm used to having the chair in a different place, so it's difficult to look at you for guidance.

I wanted to find out exactly...because we did have a motion placed by Mr. Julian. I'm still waiting to get a copy of it, because I only caught the front end of it and not the latter end. My understanding is that there is a unanimous consent component of it. I'd like to look at that, because I'd like to see if we could entertain an amendment to that. I'm having trouble tracking the debate.

Maybe you could suspend for two minutes while we have it written up, and we can have it sent out to everyone in both official languages. It's a bit odd when we have someone making a motion and then suddenly saying, "I'm open for friendly amendments", when we don't actually have a copy of what the original one was. Maybe it's just my lack of understanding of what Mr. Julian said, or lack of attention.

I apologize for that, Madam Chair, but I certainly want to be a contributing substitute while I'm here.

The Chair: Thank you.

Quite often on this committee, Mr. Albas, people have put forward amendments on the floor, because we're on the particular topic, without a written amendment in both languages required. This is how this committee has worked, with good faith and goodwill over the times. Mr Julian is reflecting that.

Mr. Julian, instead of our having these little interruptions, perhaps you can write that motion down and then it will be open for debate and amendments or subamendments.

Mr. Peter Julian: Thank you, Madam Chair.

We can certainly do that, but if the Conservatives.... It's pretty straightforward, and I know we have many experienced parliamentarians around the table. It's 4 p.m. on Friday—I suggested that late amendments would be accepted by unanimous consent, but I'm very open to any suggestions the Conservatives have particularly, or other members of this committee, so that we can get a resolution on this.

The Chair: Mr. Julian, as you heard from Mr. Méla, it is not necessary to have unanimous consent for motions coming off the floor during clause-by-clause.

I would like you to repeat your motion. It is a short motion. I don't believe that anyone needs it in writing.

Will you please repeat it and be succinct, Mr. Julian, and repeat it in French, please, for those in the room who do not speak English as their first language?

Mr. Peter Julian: Thank you Madam Chair.

I'm going to simplify it even more. I will try to guess what a Conservative amendment would be, and I will simplify it and simply move that the deadline to submit amendments for the committee's consideration of clause-by-clause be 4 p.m. on Friday.

The Chair: Thank you.

[Translation]

Mr. Peter Julian: I move that the deadline for submitting amendments for the clause-by-clause consideration of Bill C-11 be 4 p.m. this coming Friday.

• (1920)

[English]

The Chair: Next week, Friday, Mr. Julian...? That's now become very unclear.

Mr. Peter Julian: This Friday.

The Chair: It's this coming Friday. Thank you.

Now we have a motion on the floor.

Would you like to repeat that in French, please, Mr. Julian, for those who do not speak English as their first language?

[Translation]

Mr. Peter Julian: Thank you very much, Madam Chair.

I have just done that, but will do it again.

I move that the deadline for submitting amendments for the clause-by-clause consideration of Bill C-11 be 4 p.m. this coming Friday.

[English]

The Chair: Thank you for the motion.

We now have—

[Translation]

Mr. Peter Julian: It was suggested that I indicate that this is daylight saving time. So that is 4 p.m., daylight saving time, or Ottawa time.

[English]

The Chair: Thank you.

Therefore, we are open now to debate the motion.

Is there any debate? Is there any opposition to the motion?

The Clerk: I have a speaking list of Mr. Waugh, Mr. Albas, Mr. Housefather, Ms. Thomas and Mr. Small.

The Chair: Thank you.

Mr. Waugh, you may begin.

Mr. Kevin Waugh: Thank you, Madam Chair.

This has kind of caught me off guard, because, when I look at the witness list of the Liberals, us, the Bloc and the NDP, I find that 33 groups that requested to come from the NDP, the Bloc and the Liberals haven't been heard from yet.

When I look at that, I say they can't be happy. These are people who took time to write. They want to come and express their feelings on Bill C-11, and many are from the government side. I know the minister is coming tomorrow. The departmental officials have generously said that they will come tomorrow afternoon. Also, as you know, we've extended tomorrow's time from 3:30 until 6:30, and we only have four witnesses coming in the first hour tomorrow.

We have many people who have expressed a major concern. Some are supportive of this bill, and some are not supportive of this bill. There are some important groups. I look at APTN, and we haven't heard from them. They're an NDP witness. APTN is one of the reasons the CRTC.... I don't have to tell you, Madam Chair, that CBC, the public broadcaster, wasn't doing their job in representing the people of this country, and that's why APTN got started in Winnipeg and has spread. I give the CRTC credit that it is a mandatory station coast to coast now. I think we need to hear from them, because there are some issues with Bill C-11.

I just pick them out because it is Mr. Julian's wish to get everything together by four o'clock, eastern time, on Friday, and I'm surprised that he wouldn't want to hear from APTN. They're one of the major forces in this country. We don't have a lot of ethnic organizations that we've heard from. We've heard from one today, and that was quite shocking. They're not being recognized by Canadian television, whether it's Bell, Global or even the public broadcaster. They've been shut out.

We have lots to consider here, and I think APTN is one of the...and we're talking a traditional broadcaster here. That's where I come from. I really want to hear from them. I'd like to hear from National Community and Campus Radio. They're another organization, Madam Chair, that has been recommended here by the NDP. Obviously they don't seem to care if they come to committee or not—

• (1925)

Mr. Peter Julian: I have a point of order, Madam Chair.

Mr. Waugh is making a number of comments that are absolutely inappropriate. We saw the Conservative filibuster all last night. We had witnesses having to wait for hours. The fact that we have already accepted that amendments can come in after the deadline and we just want to get things started I think should maybe mean that Conservatives can just allow the motion to go forward. They will have the opportunity to hear other witnesses, and they will have the opportunity to submit amendments after that date.

The Chair: We have a hard stop at 7:30. We are back where we started. This is an attempt to never get to this decision. I would very quickly like to remind everybody that, when we passed a motion in good faith—it was unanimously passed by this committee—it read:

That the committee hear witnesses on the topic of C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts for one meeting lasting five hours during the week of May 23, 2022; that the committee continue to hear witnesses for an additional three meetings lasting five hours each during the week of May 30, 2022....

We are in that week right now. Again, this was a clear motion intended to define what we do, and we are now finding that this has all been a.... It was unanimously passed. We have never, at least while I've chaired this committee, had an exhaustive list of witnesses. When we're going to do work, we make a decision that we will let that work last a certain amount of time with a deadline, and that deadline is stuck to. If we didn't get all the witnesses in before that deadline, well, we didn't.

The clerk works very hard to call witnesses. Many witnesses could not come in during the motion that was moved and unanimously passed, so we have finished our witnesses. We have achieved 20 hours. We have achieved 19 hours this week. Twenty hours in total were asked for, and we will have an extra hour. This committee now has 20 hours. It has fulfilled the request unanimously agreed upon in the motion that I just read to you.

We now need to move forward, in the tradition of committees. There was no minimum attached to those 20 hours, I may add, so we are now moving to the next phase, which is to set a deadline for amendments. We have a hard stop, as I said, at 7:30, so we have a few more minutes for this motion on the floor, in keeping with our tradition and with what we said. I would like to ask us not to go over a motion already duly passed—unanimously passed by this committee.

Mr. Kevin Waugh: Madam Chair, I think I had the floor, if you don't mind me saying that.

I haven't given it up.

The Chair: No, you haven't, but you may have to give it up, Mr. Waugh, because we have to leave. We do not have a room to meet in, and we do not have any staff to continue to support this meeting.

Mr. Kevin Waugh: Well, I can stay. I'll be by myself, and I often talk—

The Chair: To yourself...?

Mr. Kevin Waugh: —to myself, as you have probably noticed in the meetings.

Voices: Oh! Oh!

Mr. Kevin Waugh: Madam Chair, when I look at some of the witnesses.... For God's sake, Spotify is on everybody's phone, and we haven't heard from them. That is the new media. We heard from J.J., who talked about the new media today. I come from the traditional media. I went after Bell today. I'd like to talk to APTN. I have other issues with the radio and television industry.

The new media, Madam Chair, as we heard today from J.J. and others, need to be very front and centre, because we're going back 31 years on the Broadcasting Act. I know it needs to be modernized, but look at the legacy this committee will leave once this bill goes through the House. Is it going to be another 31 years, Madam Chair, before we do another? It's properly called the “streaming” act now, because it is going to change.

I think we need to talk about the new media as much as we talk about the traditional. I don't think we've had a chance, around the

table, to discuss it. We heard from one guest today who opened a lot of eyes on the freedom of expression and doing it his way. Maybe I don't listen to him as much, but he obviously has a big following. Some of these YouTubers have bigger followings than Bell and Global. That's where this industry is going right now. That's where Bill C-11 needs to go. The act was changed from the Broadcasting Act to the streaming act for a very good reason. It's the 21st century. The Broadcasting Act is archaic. We need to move forward, and streaming is going to be—

• (1930)

[*Translation*]

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

[*English*]

The Chair: Go ahead, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: With due respect to my colleague, Mr. Waugh, whom I hold in high regard, Madam Chair, I would simply like to express my disappointment.

Before the parliamentary recess, we discussed the number of hours to be allocated for hearing witnesses. There was some disagreement. Some people wanted to move more quickly, while others wanted to take more time. We discussed this with the Conservatives and agreed to hold 20 hours of meetings with witnesses. That was the agreement, the compromise we reached.

Madam Chair, this is why I am disappointed. We often disagree with our Conservative colleagues, and sometimes agree with them, which is all the better. It is clear, however, that we can usually rely on the Conservative word when we reach an agreement with them. So it is disappointing to see what is happening now and to see that they are not following through on what they said.

On that note, Madam Chair, I move that the meeting be adjourned.

[*English*]

The Chair: On the motion to adjourn, is there anyone opposing that motion?

If no, then it is time that we leave. Thank you very much, everyone.

We will continue the business meeting until we get a deadline for the amendments, so that will have to return tomorrow.

Thank you.

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