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Chair: The Honourable Hedy Fry



Standing Committee on Canadian Heritage

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• (1110)

[English]

The Vice-Chair (Mr. Kevin Waugh (Saskatoon—Grasswood, CPC)): I call this meeting to order.

Good morning, everyone. Welcome to meeting number 128 of the House of Commons Standing Committee on Canadian Heritage.

Today's meeting, of course, is taking place in a hybrid format. We would like to remind participants of the following points.

Before speaking, please wait until I recognize you by name. For members participating in person or via Zoom, please raise your hand if you wish to speak. The committee clerk and I will do the best we can to maintain the consolidated speaking order.

I will remind you that all comments should be addressed through the chair.

Pursuant to the order of reference of Wednesday, February 28, 2024, the committee will commence clause-by-clause consideration of Bill C-354, an act to amend the Canadian Radio-television and Telecommunications Commission Act with regard to Quebec's cultural distinctiveness and French-speaking communities.

I would like to provide members of the committee with a few comments on how the committee will proceed with the clause-by-clause consideration of Bill C-354.

As the name indicates, this is an explanation of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause is subject to debate and a vote.

If there is an amendment to a clause in question, I will recognize the member proposing it, who may explain it.

In addition to being properly drafted in a legal sense, amendments must also be procedurally admissible. The chair may be called upon to rule amendments inadmissible if they go against the principle or beyond the scope of the bill—both of which were adopted by the House of Commons when it agreed to the bill at second reading—or if they offend the financial prerogative of the Crown.

Amendments have been given a number in the top right corner to indicate which party submitted them. There is no need for a seconder to move the amendment. Once an amendment has been moved, you will need unanimous consent to withdraw it.

During the debate on the amendment, members are permitted to move subamendments. Approval from the mover of the amendment

is not required. Subamendments must be provided in writing. Only one subamendment may be considered at a time, and that subamendment cannot be amended.

When a subamendment is moved to an amendment, it is voted on first, and then another subamendment may be moved, or the committee may consider the main amendment and vote on that.

Once every clause has been voted on, the committee will vote on the title and the bill itself. An order to reprint the bill may be required if amendments are adopted, so that the House has a proper copy for use at report stage.

The committee will have to order the chair to report the bill to the House. That report contains only the text of any adopted amendments, as well as any indication of the deleted clauses.

Finally, if members have any questions regarding the procedural admissibility of amendments, the legislative clerks to my right are here to assist the committee. However, as you know, they are not legal drafters. Should members require assistance with drafting an amendment or a subamendment, they must contact the legislative counsel.

I thank members for their attention, and wish everyone a productive clause-by-clause consideration of Bill C-354.

I would like to welcome two officials from the Department of Canadian Heritage, who are available this morning to answer any technical questions related to the bill.

We welcome Thomas Owen Ripley, the associate assistant deputy minister of Canadian Heritage, and Mathieu Lorrain, the acting manager of broadcasting.

Before we get to Bill C-354, I see a hand up.

We'll go to Ms. Ashton.

Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP): Thank you very much, Mr. Chair.

I have a motion to present, which you received notice about earlier this summer.

As Canadians we are all incredibly proud of the achievements of Canadian athletes during the Paris Olympics—27 medals, including nine gold, and memories to last a lifetime. We know of Summer McIntosh, who won four medals, including three gold; Ethan Katzberg and Camryn Rogers, hammer toss; and the many successes in our many team sports in the Olympics this year.

We also know of the heroic work of the brave women of our Canadian soccer team, who fought and clawed their way up but, unfortunately, came up short—no less heroic. However, with all these fundamentally Canadian examples of hard work, honour and commitment to sport, there are also the fundamentally un-Canadian actions that we saw from officials linked to our women's soccer team and Soccer Canada. While it shouldn't take away from the incredible accomplishments of our athletes—both our Canadian soccer players and the members of the Canadian Olympic team—we cannot deny that it was a massive distraction for them, particularly for the women of our soccer team, and it certainly harmed Canada's reputation on the world stage in the sporting world. The use of drones to spy on other teams, followed by statements downplaying that activity and even suggesting that “everyone cheats”, is unacceptable.

We as parliamentarians have a responsibility to help get to the bottom of this and, more importantly, make sure it never happens again, particularly as we're set to co-host the 2026 World Cup, which is the largest world sporting event. That's why I table the following motion:

That, pursuant to Standing Order 108(2), the committee undertake a study of no less than six hours to study the role of officials associated to the Canadian women's soccer team and Canada Soccer in the use of drones for spying during the Paris Olympics or in previous competitions, which has damaged Canada's reputation and punished the players for something they had no part in, and that the committee summon, pursuant to Standing Order 108(1)(a), Bev Priestman, Jasmine Mander, Joseph Lombardi and John Herdman to appear before committee for no less than two hours and before September 27, 2024, in addition to the chief executive officer and representatives of Soccer Canada and representatives of FIFA, and past or present Team Canada soccer players; and that the committee report its findings and recommendations to the House; and that pursuant to Standing Order 109, the committee request that the government table a comprehensive response to the report.

I note that some dates require changes. Of course, as the mover of this motion I'm unable to change them, but I certainly welcome any amendments from colleagues to do so.

• (1115)

The Vice-Chair (Mr. Kevin Waugh): Thank you, Ms. Ashton.

We go to debate.

Go ahead, Mr. Coteau.

Mr. Michael Coteau (Don Valley East, Lib.): Can I request that we take a five-minute recess?

The Vice-Chair (Mr. Kevin Waugh): We can do that. We suspend, then, for five minutes.

• (1115)

(Pause)

• (1115)

The Vice-Chair (Mr. Kevin Waugh): All right. Thank you, Ms. Ashton.

We move to Mr. Champoux.

[Translation]

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

We spoke with Ms. Ashton about this motion, which proposes to conduct a study on what happened at the Olympics and on what is happening in general at Soccer Canada. This is a motion that the Bloc Québécois considers important.

However, the committee is in the final stage of its consideration of Bill C-354, which has been pushed back time and time again. We started studying this bill in the spring and we should have wrapped things up before the summer break. Now, my NDP colleague is moving a motion that we could much more easily and freely debate during the second hour of the meeting. We agree with Ms. Ashton's motion and we will seek to improve it with an amendment a little later, but for the time being, I really want to get back to Bill C-354, so I ask that we adjourn debate on the motion.

• (1120)

[English]

The Vice-Chair (Mr. Kevin Waugh): You're looking to adjourn debate on this motion, so we go to a vote, then.

Danielle, can you proceed with that?

The Clerk of the Committee (Ms. Danielle Widmer): The motion is that the debate be adjourned.

(Motion agreed to: yeas 6; nays 4)

The Vice-Chair (Mr. Kevin Waugh): Seeing that, then, we will move on. We will not deal with the motion by Ms. Ashton at this time.

Thank you very much, everyone.

We'll move on to what we started to do at 11:07, which is pursuant to the order of reference of Wednesday, February 28, Bill C-354, an act to amend the Canadian Radio-television and Telecommunications Commission Act in regard to Quebec's cultural distinctiveness and French-speaking communities.

(On clause 1)

We will call for clause 1. Clause 1 is CPC-1. We'll ask if a member would like to move it.

Mr. Jamil Jivani (Durham, CPC): I so move.

The Vice-Chair (Mr. Kevin Waugh): We'll start a speaking order.

Mr. Jivani, I guess you will lead us off, if you don't mind.

Mr. Jamil Jivani: Thank you, Mr. Chair.

As you know Bill C-354 makes changes to the CRTC Act, which is a massive piece of legislation that addresses telecommunications and broadcasting and effectively governs parts of Canada's cultural communities. The Department of Heritage mandate does as well. I have a few questions, which Canadians are looking for answers to, for Mr. Lorrain, one of our witnesses today.

My first question is this: Do you agree with the CBC's paying out \$18 million in bonuses this past year?

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): On a point of order, Mr. Chair, the scope of the inquiry is in respect of this particular piece of legislation with respect to the CRTC. The CRTC does not have jurisdiction in regard to the bonuses of Crown corporations.

The Vice-Chair (Mr. Kevin Waugh): Ms. Gainey, is your hand up also on this? No.

Okay. Go ahead, Mr. Jivani. That's duly noted.

Mr. Jamil Jivani: Okay. I guess you don't want to answer that

Mr. Thomas Owen Ripley (Associate Assistant Deputy Minister, Department of Canadian Heritage): Chair, I would humbly submit that our role as officials here today is to support the committee in clause-by-clause review of Bill C-354 and to answer your technical questions on that piece of legislation or on the CRTC Act. I would be happy to do that.

I am not able to express an opinion on the question put by the member.

The Vice-Chair (Mr. Kevin Waugh): Go ahead, Mr. Jivani.

Mr. Jamil Jivani: Okay. Let's talk about something that is not an opinion, just a factual question.

Did you have any discussions or briefings with the minister concerning signing off on a bonus for Catherine Tait?

[Translation]

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

[English]

The Vice-Chair (Mr. Kevin Waugh): Mr. Champoux.

[Translation]

Mr. Martin Champoux: Mr. Chair, with all due respect, I understand that this is the Conservatives' hot-button topic right now, but we are at the clause-by-clause stage in our study of the bill. The bill has only one clause. We are considering an amendment proposed by the Conservatives. It would be nice if my colleague focused on the task at hand today, which is to discuss Bill C-354. The bill makes no mention of CBC/Radio-Canada bonuses; rather, it seeks to amend the Canadian Radio-television and Telecommunications Commission Act to require that consultations with the Government of Quebec be held automatically when it comes to matters relating to culture, communications and French in Quebec and in Canada.

• (1125)

[English]

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Champoux.

Mr. Jivani, go ahead.

Mr. Jamil Jivani: Would you like to answer that?

I know you didn't want to answer the other one, because it was about an opinion.

[Translation]

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

Mr. Chair, my previous point of order called on you to take action, to call our colleague to order, so that he could get back to the matter at hand, which is Bill C-354.

[English]

The Vice-Chair (Mr. Kevin Waugh): That's duly noted.

Mr. Jivani, go ahead.

Mr. Jamil Jivani: Thank you.

Given that Bill C-354 makes changes to the CRTC and that it affects a lot of people all across our wonderful country, I think it's fair to ask some questions.

Did you deliberate with the minister in any way concerning a bonus for Catherine Tait?

Mr. Taleeb Noormohamed: Chair, I have a point of order. I would like to go back to the point of order previously raised by Mr. Champoux. We have ample opportunity to discuss CBC bonuses. We're going to be calling Madam Tait to come. She'll be here to discuss this.

This conversation today is on clause-by-clause on Bill C-354, as Mr. Champoux has rightly noted. It deals with something entirely different, and he has requested that you, as the chair, ensure that members are asking questions that are within the scope of today's meeting, which is specifically to discuss the one clause inside Bill C-354.

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Noormohamed. That is duly noted.

Mr. Jivani, keep within the scope of Bill C-354 in your questioning, if you don't mind, please.

Mr. Jamil Jivani: I believe we're asking some very relevant questions that Canadians would like answers to, but we can move on to another topic.

Mr. Ripley and Mr. Lorrain, are you familiar with a recent report from the Canadian Taxpayers Federation that \$2.7 million has been spent on film festivals by this current government?

[Translation]

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

This is a committee, not a circus. Would it be possible to call members to order so that we can stick to the matter at hand, that is to say the clause-by-clause consideration of Bill C-354, which is a response to a specific request made by the Government of Quebec? Let's stop going around in circles and talking about subjects that have nothing to do with the matter before us today. It is not very complicated; there is only one clause to consider. We can come back to my Conservative colleague's other concerns later, but we have to deal with this in 15 minutes. We are wasting time.

I would ask you to call the member to order and ask him to stick to Bill C-354.

[English]

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Champoux.

Yes. Mr. Jivani—

Mr. Jamil Jivani: Well, Mr. Champoux expressed his concern over time. If we just got answers to the questions, we'd be moving along really smoothly, I think.

Mr. Ripley and Mr. Lorrain, did you or any other Heritage officials attend any of these very expensive film festivals?

Mr. Michael Coteau: I have a point of order, Mr. Chair.

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

The Vice-Chair (Mr. Kevin Waugh): It's Mr. Noormohamed this time, I believe.

Go ahead.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

Look, it has become clear that there are those who would like to turn this into a circus, as Mr. Champoux rightly noted, and a clip machine. I think it would be wonderful if Conservative members, instead of trying to turn this into a clip factory, could actually focus on the substance of the legislation that is before us. A lot of work went into it by past members of this committee in debate when we were discussing this bill. Monsieur Champoux has spoken about the importance of having this conversation. All of us would like to get this bill done. It's one clause, for goodness' sake.

There's going to be ample opportunity to ask officials all kinds of questions about different things, but I think we all have the capacity to stay on point and on the subject of a one-clause piece of legislation. It would be wonderful, Mr. Chair, if you could ask this committee and all of us to really focus our questions on the specifics of this legislation. If not, we can all do exactly what Mr. Jivani is doing and ask questions that are totally irrelevant and waste a bunch of time, but we're all here to try and get this bill dealt with, so maybe we could just focus on that.

The Vice-Chair (Mr. Kevin Waugh): Thank you for your comments, Mr. Jivani.

Okay, Mr. Coteau, go ahead on your point of order.

Mr. Michael Coteau: I think your job is to make sure we follow the agenda and stay within the scope of the agenda. If I started asking officials about different animals at the zoo, would you let that happen?

The Vice-Chair (Mr. Kevin Waugh): No.

• (1130)

Mr. Michael Coteau: Then stick to the agenda, keep in focus and stay within the scope. We will have a lot of... Those questions are important questions. I'd love to hear some of the answers to some of those questions. We will have time. We will be focusing on the CBC, but let's just get through this piece of proposed legislation. It has been on the books now for such a long time. We went through the same thing with safe sport. We've been doing this non-stop for a few years now, just really going off in different directions.

I would ask you, as chair, to keep us focused and within scope.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Mr. Jivani, you've heard several people around the table here this morning. Please limit your questions to Bill C-354. In fact, we're dealing with the Conservative amendment right now, CPC-1. I've asked and you've moved it. Could you please stick to Bill C-354?

Mr. Jamil Jivani: I would say that the CRTC Act is a very broad piece of legislation. Bill C-354 is intending to make changes to a very broad piece of legislation. I believe all these questions have been relevant and within the scope of the conversation we're having about telecommunications, broadcasting and the legislation that governs parts of Canada's cultural communities.

I appreciate that some of my colleagues have concerns over time, but I would emphasize once again that if we just got answers to the questions, we would be moving along. If you're concerned about time, let's get some answers on the table.

I also would like to point out that at a time when we have a cost of living crisis, questions to officials of the department about the money being spent by the department seem very relevant to me, and I think these are worthwhile questions to ask.

Mr. Taleeb Noormohamed: Mr. Chair, on a point of order, none of what Mr. Jivani is talking about right now is within the scope of Bill C-354 and the specific clause that we are supposed to be discussing.

All of the points that Mr. Jivani has raised can be entertained during a variety of other meetings, when the minister comes for supplementaries or when we have the chair of the CBC. He is more than able to put forward motions, as many of his colleagues already have.

This is a meeting that is supposed to deal with C-354. Mr. Jivani says, "Well, we could move more quickly if the officials answered questions," but that's not actually how our process works. The parliamentary process doesn't work that way. We have officials who are here to answer questions in respect of Bill C-354. That is the agenda, Mr. Chair. That is in your hands, and it's up to you to decide whether or not we are going to have a meeting that deals with Bill C-354 or whether we are all going to just ask whatever questions we feel like asking, because I sure have a whole lot of questions I'd like to ask about other matters, like RT, which I don't think are appropriate for this conversation.

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Noormohamed.

I will say that Bill C-354 is really broad, and many Canadians have questions. The consultation, along with the accountability, are some areas that, even when I sat and asked questions, I had concerns about. Those were two things that, when I looked at the bill, I had concerns about when I was told I would be chairing this meeting this morning. That's all I'm going to share about the consultation process, along with accountability and the good governance that is needed on this bill. I don't know if we have talked about the good governance needed on this bill, Bill C-354.

There are issues with this. It's a broad bill, coast to coast. It's just not Quebec. This deals with other provinces as well.

Mr. Jivani, I think you've heard the concerns about this.

Please stick to Bill C-354 if you can.

Mr. Jamil Jivani: Let's stick with the theme of good governance.

We learned about a very concerning decision at the department of heritage regarding the Canada Media Fund, which supported a documentary called *Russians at War*, which has been widely condemned as Russian propaganda.

[Translation]

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

[English]

Mr. Jamil Jivani: Are you aware of this film, and were you involved in the decision to fund it?

[Translation]

Mr. Martin Champoux: Mr. Chair, when a member is called to order several times, as has been the case since the beginning of the meeting, I think the chair has a duty is to take away his right to speak.

The member has not mentioned the bill since the beginning of his speaking time. We have reacted enough and you have clearly understood the concerns of all committee members. Talking about films funded by the Canada Media Fund is in no way relevant to Bill C-354.

Bill C-354, which you say is very broad, is not actually that broad in scope. It asks the Canadian Radio-television and Telecommunications Commission, or CRTC, to consult Quebec on issues affecting francophone culture, the French language and franco-

phone media. Its scope is not broad, but rather narrow and easy to define.

Right now, debate could be at best qualified as scattershot. Given the number of members around the table rising on points of order since the beginning of Mr. Jivani's speaking time, I think it is time for you to get tough and cut him off.

Thank you.

• (1135)

[English]

The Vice-Chair (Mr. Kevin Waugh): Thank you very much, Mr. Champoux.

The last shot goes to you, Mr. Jivani.

Please keep it brief.

Mr. Jamil Jivani: It's pretty clear that some of our colleagues don't want to give our officials a chance to respond to any of these issues that many Canadians are concerned about. We have a broad piece of legislation in front of us that's being amended by this bill, and I think all of these issues are relevant to the purpose of the department and could be uniquely answered by the officials we have in front of us.

I would just like to give them a chance to respond.

I'll pause on asking additional questions.

Thank you.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Mr. Ripley or Mr. Lorrain, do you have any comments to make?

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

Thank you, MP Jivani, for the questions.

Bill C-354 amends the CRTC Act, as the chair set out in the beginning. That's the piece of legislation that creates and sets out the powers and structure of the CRTC.

Mr. Chair, as you know, when officials are invited to clause-by-clause we fulfill a particular purpose in terms of supporting the members in considering that legislation and answering technical questions or potential amendments they may have about the bill. While I certainly respect Mr. Jivani's desire to get answers to these questions, it is outside the scope of why we are here today.

Departmental officials would be pleased to pick up those questions in a more suitable forum, Mr. Chair.

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Ripley.

We'll move on.

Ms. Gainey, did you have any comments to make? Your hand is still up.

I have John here, but Mr. Champoux and Mr. Noormohamed, then you, Ms. Gainey, are on the speaking list right now.

Ms. Anna Gainey (Notre-Dame-de-Grâce—Westmount, Lib.): Perfect.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We're dealing with Ms. Thomas's amendment that Bill C-354 in clause 1 be amended

(a) by replacing line 8 on page 1 with the following:

(1.01) The Commission shall hold public consultations with the Govern-

(b) by adding after line 15 on page 1 the following:

(1.02) The Commission shall publish on its website a report on the results of the consultations held under subsection (1.01).

(1.03) Before participating in the consultations under subsection (1.01), the Government of Quebec and the governments of other provinces shall consult with audiences in the French-language markets in their respective provinces.

We're dealing with CPC-1.

Mr. Jivani, you still have the floor. I would like you to comment on the first one. We have a short...as duly noted here, CPC-1.

Mr. Jivani, could you please deal with CPC-1?

Mr. Jamil Jivani: Amendment CPC-1 is a very logical addition to the legislation in that it requires some communication with the public. We are talking about consultation with audiences in French-language markets, not just in Quebec but all across the country. If this legislation is meant to serve those communities, then consultation with those communities seems entirely logical to me.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Mr. Champoux, go ahead.

[*Translation*]

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

I rather like the Conservatives' proposed amendment. I would also like to point out that they were very vocal when the Government of Quebec sent a letter to the government, just as Bill C-11 was about to be passed in the Senate.

The letter from the Government of Quebec contained important recommendations on measures that should have been taken earlier in the process. The Conservatives were vocal in promoting those recommendations. In the letter, there is a recommendation that we wanted to put into legislation; the result of which is Bill C-354. I find it interesting to see a willingness to collaborate to improve this clause. However, although I agree with the Conservatives' proposed amendment, there is one thing that bothers me a bit, and that is the first sentence. I would therefore like to propose a subamendment to the Conservatives' proposed amendment.

I simply propose removing the part that states that "The Commission shall hold public consultations with the Government of Quebec" and going back to the original version contained in Bill C-354, i.e., "the Commission shall consult with the Government of Quebec". So I would just propose that we remove the first part of the Conservative amendment and go back to the original wording.

Holding public consultations is a cumbersome process. In my opinion, if we want to make things simple and respond effectively to Quebec's request, there should simply be a consultation between the Canadian Radio-television and Telecommunications Commission and the Government of Quebec.

That is what I am proposing as a subamendment. I propose that we go back to the original wording for the first sentence.

• (1140)

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Is there any discussion on this subamendment?

Mr. Noormohamed, go ahead.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

First, I think whether we're talking about the amendment or the subamendment, the important thing is consultation. We have Mr. Ripley here.

One of the things I might ask, given that we are quite removed, in terms of time, from when we first had these conversations and witnesses on this bill, Mr. Ripley, is that you just remind everybody or just walk everybody through what is actually required of the CRTC when they are doing the work they do? Are they not already doing consultations at scale in the field when it comes to ensuring that stakeholders are listened to?

Mr. Thomas Owen Ripley: With the way the Broadcasting Act is currently structured, as some members at the table will know well, the policy objectives are set out at the beginning of the legislation and then the CRTC has the responsibility to give effect and put into operation those policy objectives through its regulatory decisions. When the CRTC seeks to make a decision, it typically does a public process. Those public processes are open, including for provincial governments to participate and make their views known.

It's already incumbent on the CRTC to generate a public record. Again, those processes are open to all stakeholders and all governments to participate in, for them to put their views on the public record. Then it's incumbent on the CRTC to make its decision based on the public record before it.

Mr. Taleeb Noormohamed: Mr. Chair, can I keep going, or am I done?

The Vice-Chair (Mr. Kevin Waugh): You have the floor.

Mr. Taleeb Noormohamed: Thank you.

In that context, right now how much consultation or input or how many representations do you see? How often do you see representations from the Province of Quebec to the CRTC on these matters? I would assume the need for this legislation or this bill or amendment or subamendment would arise as a result of the fact that Quebec does not have an opportunity or that many people may not know that Quebec already has the opportunity to engage and participate in these consultations. Can you give us some colour as to how often the CRTC has representation from the Government of Quebec on behalf of French language speakers in that province?

Mr. Thomas Owen Ripley: We have seen provincial governments participating in CRTC processes from time to time. It is precisely because sometimes a decision that the CRTC is making can impact a provincial agency, or something like that.

MP Champoux mentioned the coming into force of Bill C-11, the Online Streaming Act. One step that we took at the department was supporting the minister at the time to send a letter to all of his provincial counterparts, including in Quebec, inviting them to participate in both the consultation on the policy direction and the consultations that the CRTC would then subsequently launch on the Online Streaming Act.

The desire was to make sure those consultations were on the radar of provincial counterparts and territorial counterparts, and make it known that, indeed, there's an opportunity for those provincial or territorial governments to participate in those proceedings, should they wish.

• (1145)

The Vice-Chair (Mr. Kevin Waugh): Is there anything else, Mr. Noormohamed?

Mr. Taleeb Noormohamed: Yes, I have one more thing.

What I'm hearing is that there is already an expectation and requirement for the CRTC to conduct consultations. Under Bill C-11, that was further encouraged. Is there any impediment that you can see for the Province of Quebec to be engaged in consultations under the current regime? With the CRTC Act the way it is, is there anything in there that would somehow preclude or prevent the Province of Quebec, or any other province, from providing feedback to the CRTC?

Mr. Thomas Owen Ripley: No, there is no impediment to Quebec, or any other province or territory, in participating in CRTC processes. The way it works is that the CRTC will usually put up a notice of consultation, which basically sets out the questions on which it's consulting. It's open to any interested stakeholder or any territorial or provincial government that wishes to participate. They are more than welcome to do so.

Mr. Taleeb Noormohamed: That's it for me.

Thank you, Mr. Chair.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll now go to Ms. Lattanzio, and then Mr. Coteau.

Ms. Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): Thank you.

I wanted to ask before for a copy of the subamendment to be sent by the clerk to our email addresses. I didn't want to interrupt my colleague.

I'm sorry, but I keep hearing an echo. Are there sound issues?

[Translation]

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

Actually, I have two points.

First, Ms. Lattanzio seems to be connected to two—

[English]

The Vice-Chair (Mr. Kevin Waugh): Yes, we are having some issues.

[Translation]

Mr. Martin Champoux: Second, I don't know if it's entirely necessary to ask for a copy of the subamendment, as the subamendment simply seeks to replace the first sentence with the original wording. So it's very simple, but again, if Ms. Lattanzio would like to have the subamendment in writing, that's her right. We'll take the time to do it.

[English]

The Vice-Chair (Mr. Kevin Waugh): Yes, we could do that.

Do we need to suspend for that, or will you pick it up from him?

Mr. Champoux, could we have your subamendment in writing, please?

Ms. Lattanzio, here is what has happened with the video. We see you, and then we also have another block where you're not seen, but your hand is up. It's a technical issue we're having with the House of Commons, and that's what Mr. Champoux was referring to. If I could take a screenshot, I would show you what I'm talking about. I can see you, but there is also black with your hand up. That's why I acknowledged you. There is a technical issue. We really don't want to take you out, because we're not sure you can come back in. That's the issue we're dealing with here.

Ms. Patricia Lattanzio: Thank you, Mr. Chair.

The Vice-Chair (Mr. Kevin Waugh): I just wanted to clarify that. We can all see what's going on.

We're going to get it sent by email to everyone, probably P9s, I would suggest.

The subamendment by Mr. Champoux will be coming to your P9s. That's a very good comment that you made, Ms. Lattanzio. It should be coming very soon.

Do you have any comments to make, or is that all you had to say on this subamendment, Ms. Lattanzio?

Ms. Patricia Lattanzio: Mr. Chair, I apologize to Mr. Champoux, but I'm having difficulty hearing. That's why I'm requesting to see it. I'm not in a position to ask a question if I don't have it in front of me.

The Vice-Chair (Mr. Kevin Waugh): That's fair. I haven't seen it yet. I'm on my P9. It will be coming very shortly.

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair, if I might.

The Vice-Chair (Mr. Kevin Waugh): Go ahead, Mr. Noormohamed. We might even suspend here for a second, if you don't mind, but go ahead with your question to me.

Mr. Taleeb Noormohamed: I was just going to say—it may be less of a point of order—if the clerk can mute one of the two “Ms. Lattanzios”, it should work, from an audio standpoint.

The Vice-Chair (Mr. Kevin Waugh): Okay.

I think we're going to suspend until we get the subamendment sent to us. We'll just suspend for a minute or two until it comes into our P9s, if you don't mind.

• (1150)

(Pause)

• (1205)

The Vice-Chair (Mr. Kevin Waugh): We're back.

The subamendment has been sent out to your P9s, so you can take a quick look at that.

I still have a speaking list to deal with. I have Mr. Noormohamed up first, then Ms. Gainey and Mr. Coteau, I believe.

For everybody around the table and online, we're going to deal with Bill C-354 for as long as it takes us. We're here until at least one o'clock. I know we were going to have a closed session, but we are going to try to get Bill C-354 completed here today, so make the adjustments to your schedule.

Mr. Noormohamed, I don't see you, but you were up next. I don't know whether you got bumped out, or if you've just gone away for a second. We're back, and we're dealing with the subamendment of the Bloc.

Ms. Gainey, if you're there, we'll move to you, if you don't mind.

Mr. Michael Coteau: How about Mr. Coteau?

The Vice-Chair (Mr. Kevin Waugh): Yes. As we say in studio, "Here's Mr. Coteau."

Mr. Michael Coteau: Thank you very much.

I want to thank the officials for joining us today.

I remember, back in 2014, there was a change to the CRTC—some proposals on taxing Netflix, if you remember. I remember the Government of Ontario sent officials, and we put forward a presentation. We weighed in on that proposal in 2014. It was the way the Province of Ontario interacted with the federal government.

Is that proposal still in place? Can ministers, provincially or territorially—or department officials—come and weigh in on those types of...? Can you explain how the consultation works, Mr. Ripley?

Mr. Thomas Owen Ripley: Thank you, MP Coteau.

Indeed, the question you're referring to was a CRTC proceeding at the time. Again, in those situations, it is open to the province or territory to either file a written brief with the CRTC or, if they are doing in-person hearings, request to appear before the commission. There's nothing preventing a province or territory from participating in any CRTC proceeding and putting the official position of that province or territory on the record.

Mr. Michael Coteau: I know there are federal, provincial and territorial meetings. However, are there other mechanisms where information flows freely between the federal government and the provinces and territories, so they're not caught off guard and are up to date in general on those specific changes or proposals?

• (1210)

Mr. Thomas Owen Ripley: Indeed, there are regular mechanisms to exchange information or consult with our provincial and territorial counterparts. You mentioned the main mechanism, which is the ministerial table on culture. There's also a deputy ministers' table on culture. Those are ways, on the department side, we can keep our provincial and territorial counterparts informed, and vice versa.

I think what's important to understand about the Broadcasting Act is that it is structured in a way to preserve and assure the independence of the CRTC. At the end of the day, the role of the CRTC is to regulate the media sector, and it's important they do so in a way that ensures the decisions they make are seen to be independent and free from potential political influence. That's why the mechanisms by which any government can engage with the CRTC are very formal.

As I mentioned, it's open to provinces and territories to participate in any CRTC proceeding through a consultation process the CRTC would lead. The federal government's powers to engage with the CRTC are actually very limited. There are specific powers in the Broadcasting Act and a process to follow in those cases so that it's done openly and transparently. Again, that's in order to preserve the independence of the CRTC and ensure that decisions that could potentially affect the media sector are kept at arm's length from government.

Mr. Michael Coteau: From your perspective, Mr. Ripley, why is that independence such an important component of the structure of the CRTC in general?

Mr. Thomas Owen Ripley: It recognizes that, in a free and democratic society like Canada, we want to ensure the independence of the media and ensure that they have their journalistic independence.

In a situation where you have a regulator that needs to oversee the licensing and conditions of service that are placed on those media, to the extent that a government wants to weigh in on those, it's important that it be done in a way that respects their independence to ultimately make the final decision and provide transparency to Canadians so Canadians understand how a particular government, whether it's the federal government or a provincial or territorial government, is engaging with the CRTC.

That's why, in this case, they're all very formalized processes to ensure there's not a perception of politicization of the CRTC.

Mr. Michael Coteau: This is my last question, Mr. Chair.

Can you go over the last or second-last process that was used to consult provinces and territories and give us an example of when that took place? Can you recall how many provinces and territories actually participated in the process? It's just so we can have an understanding of how effective the current process is.

Mr. Thomas Owen Ripley: I'll use the example I gave to one of your colleagues earlier of when the Online Streaming Act received royal assent.

There are a lot of changes currently under way in the space of broadcasting regulatory policy. The government and the minister at the time wanted to make sure that provincial and territorial counterparts knew of those changes and the opportunity to engage with the federal government in terms of crafting the policy direction that was ultimately issued to the CRTC on orientation for implementing the Online Streaming Act, and also to make sure it was known that they could participate in the subsequent CRTC processes.

That's the most recent example. The department worked with the minister to be very proactive to make sure those things were on the radar of our provincial and territorial counterparts, so that if they wanted to participate, they could.

I don't know offhand, unfortunately, the extent to which provinces and territories have opted to formally submit as part of the implementation. I believe there have been a few briefs from provinces and territories put forward to date as part of the implementation of the Online Streaming Act. Obviously, that's a decision that ultimately rests with them and whether they choose to participate or not.

Mr. Michael Coteau: Thank you very much, Mr. Chair.

The Vice-Chair (Mr. Kevin Waugh): Ms. Gainey, please go ahead.

• (1215)

Ms. Anna Gainey: Thank you, Mr. Chair.

In light of what we've heard about the consultation processes that already take place and have taken place, is there some redundancy in this legislation from the point of view of our witnesses today?

Mr. Thomas Owen Ripley: As I mentioned, it's already open for provinces and territories, including Quebec, to participate in CRTC proceedings. The way that Bill C-354 is structured makes an amendment to the CRTC Act, which, as I mentioned, is the act that creates the CRTC and sets out its powers. It's not in the Broadcasting Act.

What Bill C-354 proposes to do is require the CRTC—and there's a reading of the bill that would require the CRTC—before it exercises any power under the Broadcasting Act or does anything under the Broadcasting Act, to consult with the Government of Quebec or other provinces as it relates to the French-speaking communities in those provinces. It elevates that kind of duty of consultation with the Province of Quebec or other provinces above the current structure.

The concern is that you are elevating these governments and putting them in a privileged position, and the concern would be that it could give rise to a perception of influence on the CRTC, again, because, before they exercise any of their other powers, they have to go and do this consultation with Quebec or other provinces. It's not just a question of redundancy from the department's perspective. It introduces a risk, because you are elevating these provinces above other stakeholders who may want to participate and put their perspectives on the record.

Ms. Anna Gainey: Just to follow on that thought, does the Government of Canada have that privilege or that expectation as well, to be consulted prior to an engagement, or are we talking simply about the provinces acquiring this right or this opportunity?

Mr. Thomas Owen Ripley: No, there's nothing in Bill C-354 that would require a consultation with the federal government. In fact, there's no obligation on the CRTC to consult with the federal government before it takes any decision. Again, this is something new. It would not extend to the federal government. The position of the department is that it would be inappropriate for the CRTC to have to consult with the federal government before it made a decision, because, obviously, that then encroaches on its independence as a media regulator, and in a democratic society, where we believe that the media should be at arm's-length from the government of the day, that would be a concern.

Ms. Anna Gainey: If I may just continue, then, it would make sense for an independent tribunal to have that independence, and for that to extend and to stay the way it is would be most consistent with the mandate and the tasks of the CRTC. There isn't a void or a need that we're addressing here with this piece of legislation. It creates more of an inconsistency. I guess that's what I'm trying to understand.

Mr. Thomas Owen Ripley: It creates a new category or a new obligation for the CRTC to do this specific consultation with Quebec and other provinces in a context where, indeed, there is nothing preventing those provinces from making their views known and putting them before the CRTC. It would put this added burden on the CRTC, but, as I mentioned to you in my previous answer, from the department's perspective, it also creates a risk of potential influence or perception of potential influence on the CRTC, because, again, our reading of the bill as crafted is that it would require them to do this consultation before even exercising a single power. Even before they get to the point of saying they were going to do a public proceeding, they would have to do this consultation. It just creates that risk of influence on their decision-making.

• (1220)

Ms. Anna Gainey: Thank you, Mr. Chair.

The Vice-Chair (Mr. Kevin Waugh): Thank you, Ms. Gainey.

We'll go to Mr. Godin.

Welcome to the committee.

[*Translation*]

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Thank you, Mr. Chair.

Mr. Ripley, I think the bill tabled today on the cultural distinctiveness of Quebec and the francophonie outside Quebec is very important.

There is a contradiction between the independence of the media and the rights of francophones. As a country, we have an obligation to listen to people who speak our two official languages. In my opinion, the bill is relevant, but it needs to be tweaked.

You mentioned that the 10 Canadian provinces, including Quebec, can be consulted, but the bill states that the CRTC shall hold consultations.

Can you confirm that the bill requires the CRTC to consult Quebec and francophones outside Quebec?

Mr. Thomas Owen Ripley: Thank you for your question, Mr. Godin.

The current bill would create an obligation for the Canadian Radio-television and Telecommunications Commission, or CRTC, to consult Quebec, the other provinces and the territories on matters relating to the francophone communities of those provinces or territories.

Currently, before holding a public consultation, the CRTC publishes a notice of consultation. Everyone can attend, including the provinces and territories. So it is up to the provinces, including Quebec, to decide whether or not to participate in the consultations. The CRTC is not formally required to seek Quebec's or the other provinces' point of view when holding consultations.

Mr. Joël Godin: In your answers, you mentioned that the proposal to require the CRTC to consult the provinces was dangerous because it would give power, or the semblance of power, to provincial governments. However, I believe that the subject matter falls under their responsibilities. In addition, if we want our country to remain bilingual in French and English, we have to acquire the necessary tools. French is currently in decline. This must be recognized and action must be taken now: The situation is urgent.

You also made the argument that it would create a burden on the CRTC's operations. In what way does this proposal, which would allow us to achieve our objective, create an undue burden?

Mr. Thomas Owen Ripley: Thank you for your question.

First, it should be noted that the government also believes it is important for Canadians, stakeholders, provinces and territories to be consulted on CRTC decisions. So it's not a question of consulting or not consulting, but rather how the consultation is structured.

As I mentioned, the bill proposes to amend the Canadian Radio-television and Telecommunications Commission Act to require the CRTC to consult Quebec and other provinces and territories before exercising the powers set out in the act. That creates a challenge. However, the challenge is not that the consultations could be perceived as having an influence on the CRTC. Rather, it is the fact that before the CRTC even makes the decision to look at a given issue in a public forum, it should consult the provinces. This would create the risk that the CRTC could change its viewpoint before even launching public consultations. The way in which the consultations are set out would create that perception.

The government also believes in the importance of supporting francophone communities in the context of the act. A number of amendments along these lines were made during the process of passing Bill C-11. In addition, there is an obligation in the Canadian Radio-television and Telecommunications Commission Act to consult official language minority communities.

So the difficulty lies not with consulting the provinces, but rather doing so within a framework that preserves the CRTC's independence.

• (1225)

Mr. Joël Godin: Thank you, Mr. Chair.

Mr. Ripley, thank you for answering me in French. Your French is very good.

Mr. Thomas Owen Ripley: Thank you. That's kind of you.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Godin.

We move next to Mr. Champoux.

[*Translation*]

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

I'd like to make a couple of comments on what was said earlier about the fact that the minister had written to all the premiers, or all the provincial governments, and to Quebec, to get their input and to invite them to participate in the hearings. Indeed, a call has been made, as is done every time, to all stakeholders, organizations and groups interested in the legislative changes or the regulations that are in the works.

However, that is not at all what Quebec is asking for. Quebec's request to be consulted applies when it comes to French culture, the French language and francophone media, i.e., something that will have an impact on Quebec's cultural distinctiveness; it is not asking to be lumped in with the numerous other interested stakeholders. We do not want to hear that if Quebec considers itself a stakeholder, it should raise its hand, put its name in a hat, get in line, and then wait until it is its turn to speak.

Quebec has the right to be treated as a nation, as the House of Commons has recognized.

When the subject matter falls under Quebec's jurisdiction, such as the French language and its protection, I think it is entirely natural and justified for Quebec to make that request. That has been done. The Quebec Minister of Culture and Communications wrote a letter. We all became aware of it here following the study of Bill C-11. The minister never received a reply to his letter from the government or Canadian Heritage. Bill C-354 is the beginning of a response to Quebec's request.

I think we are looking at this issue in two different ways, and the right way to do it is to consider what Quebec is. Quebec is a nation and is recognized as such by the House of Commons. Quebec is therefore asking to be considered as a government that has responsibilities with respect to these specific matters we are talking about. I don't see that in any way as a threat to the operation of the CRTC. I don't see it as cumbersome either. It's a simple process to put in place. The commission consults the Government of Quebec.

It's really quite simple. We're asking for a little transparency, and the amendment proposed by the Conservatives requires that a report be published on the discussions that will have taken place between the CRTC and the Government of Quebec. It's a very simple request, and I think we're making it complicated. We are making it more cumbersome to implement this measure, which simply responds to a request from Quebec, which only wants, once again, to protect French, to protect francophone culture, and to protect vehicles for francophone culture, such as the media, cultural products, and so on.

I just wanted to make that point, because we're touching on a lot of subjects that are making the process a little too cumbersome, a little too complex, something that, when all is said and done, is really simple and seems to me quite natural to put in place, i.e., consultations when it comes to the jurisdiction of the Government of Quebec and francophone groups outside Quebec. I just wanted to say that I think we're going around in circles here, Mr. Chair.

It felt good to get that off my chest. Thank you.

[English]

The Vice-Chair (Mr. Kevin Waugh): Thank you very much.

Ms. Dhillon, I do not see your headset. That's problematic, number one, because you will not be able to speak. However, if we ever get to the subamendment vote, we'll ask you to hold your thumb up or down for your vote, if you don't mind.

Mr. Noormohamed, I see your hand is up, followed by Ms. Ashton's and Ms. Lattanzio's. That's just to let you know that all three of you have been identified here.

Mr. Noormohamed, you're first.

• (1230)

[Translation]

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

My question is for Mr. Ripley.

Mr. Ripley, I agree with Mr. Godin that the CRTC should consult francophone communities across the country, including those in Quebec City, and even in the province of Quebec. However, I do not understand how Bill C-354 would enhance or strengthen these consultations or give them more weight.

Do we need this legislation to make sure that the CRTC will consult with these important stakeholders and actually listen to the voices of the francophone community?

Mr. Thomas Owen Ripley: Mr. Chair, I thank the member for his question.

As I mentioned, nothing currently prevents Quebec or any other province or territory from taking part in public consultations launched by the CRTC. The difference, as I mentioned to Mr. Godin, is that, in this case, the proposal seeks to require the CRTC to consult Quebec or another province or territory before exercising one of its powers.

That's the structural difference the department sees. Currently, it is up to the CRTC to say that it plans to make such and such a decision and that it will hold public consultations on the matter. Then it

issues a notice of consultation regarding the decision in question. It follows that process, and the CRTC's decision must be based on publicly available evidence.

The proposal contained in Bill C-354 says that if the CRTC were to even think about making a decision or exercising one of its powers, it would have to consult Quebec and the other provinces and territories on these issues.

In conclusion, that's the structural issue we see.

Mr. Taleeb Noormohamed: Thank you, Mr. Ripley.

Mr. Godin also used the word "independence". On the other hand, what risks would we run if we went down a path where we were dictating what the CRTC should do? Does this kind of thing put its independence at risk?

Mr. Thomas Owen Ripley: I thank the member for his question.

Yes, we see some risks. As I mentioned, the ways in which a government can communicate with the CRTC are formal and very structured at present. These processes are framed by transparency measures to avoid a situation where there would be a perception that the government of the day is pressuring the CRTC to make certain decisions based on the importance of journalistic and media independence.

Indeed, we see some risks in requiring the CRTC to consult the provinces and territories before even exercising a power provided for in the Broadcasting Act.

Mr. Taleeb Noormohamed: Thank you, Mr. Ripley.

I have one last question for you.

[English]

You have now told us that there's no real.... Again, I'm struggling with this, because I am trying to find a way to make sure that Monsieur Champoux feels confident that what is in place currently will work. You have now told us that we don't really need this bill to do the thing that the bill is trying to do. We also see tremendous risk in terms of potential influence on the CRTC if this is passed.

In a nutshell, I guess, as you look at the pros, and you have looked at the cons and the challenges here, objectively, what's the one thing you think we are missing in this conversation? What I am worried about is working on the back of assumptions, when you have given us every assurance that this is already what the CRTC is, and should be, doing and that there's nothing this bill does to improve on that. However, we are hearing considerable risk in respect of the independence of the CRTC.

What are some of the unintended consequences that we might be missing if this does get passed?

• (1235)

Mr. Thomas Owen Ripley: I have had the opportunity to listen to the debate as well. Just to take a step back, I would go back to it being important to remember that the Broadcasting Act is a policy framework. We spent a lot of time debating, over the last several years, that policy framework, and there were many amendments made to that policy framework in terms of what the Broadcasting Act is supposed to do and what it's supposed to accomplish. Then that is given over to the CRTC to give effect to that.

In that context, while I certainly have a lot of respect for the position of different governments on a decision that the CRTC is going to take—their view is important, and the considerations they put forward are important—but they do need to be balanced against the considerations and views put forward by other stakeholders, including official language minority communities that may live in that province.

Again, the risk comes back to whether this bill would be seen to be elevating Quebec and other provinces above some of those other perspectives and views that need to be considered in the context of a CRTC decision. That's not to take anything away from the views and positions of those governments, not at all. However, again, the system as constructed is one in which the CRTC is supposed to be independent from the federal government, as well as from provincial and territorial levels of government. Therefore, again, elevating them in that way creates that risk.

Mr. Taleeb Noormohamed: That's very helpful.

Thank you, Mr. Ripley.

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Noormohamed.

We're getting some clarification.

Ms. Ashton.

Ms. Niki Ashton: Thank you, Mr. Chair.

I am a bit concerned with what we have seen unfold during this meeting. I think we were all very clear; this bill is just one clause. There are obviously two amendments and, now, a subamendment. I think we all hoped that it would move a lot quicker, especially since we already heard from witnesses and had an opportunity to ask questions for clarification.

I think a number of questions have already been asked now of the officials, and I think what certainly stays with me is that this is a reinforcement, perhaps, of a direction that the CRTC believes is important, which is consultation. I think a particularly important piece—Mr. Ripley alluded to it—is respecting minority language communities.

[*Translation*]

That is why our second amendment, which we have not yet managed to talk about, deals with the priority that must be given to the cultural distinctiveness of Quebec and francophone minorities elsewhere in Canada. Those consultations have to take that into account.

This amendment reflects the position of the Fédération des communautés francophones et acadienne du Canada, or FCFA, a na-

tional organization for the francophonie outside Quebec in Canada. A number of witnesses have said that such an amendment would strengthen the bill.

I believe it is an important tool in our fight against the decline of French, which is a very serious problem in our country.

Media and communication are important tools, and the role of the CRTC is crucial. We must ensure that minority language communities across Canada are consulted.

[*English*]

For that reason, this important point, certainly championed as well by minority language communities, particularly francophone communities outside of Quebec, I'm puzzled as to why we're wasting so much time going around this bill. Folks have expressed concern from all sides. There's support from others as well. I think we've exhausted the range of questions on a bill that is extremely brief. I would certainly like to move to a vote on this, and I would ask the chair to direct our committee to move on this bill so we can get through it and move to other important business.

• (1240)

The Vice-Chair (Mr. Kevin Waugh): Thank you, Ms. Ashton.

We still have speakers lined up to speak to this bill. Until we hear everybody on the debate, we cannot go to a vote.

I will say this, as the chair here today: It's a bit different from when we dealt with this bill, Bill C-354, four months ago, in summer, and then we've had new committee members around the table. There's an education process on this bill, I think. We had it months ago; then we adjourned for the summer. Now we're back, and now we have two or three new committee members just catching up. I'm not defending this; I'm just stating the obvious, that people around the table and others wanted a better grasp of Bill C-354, with the recent amendment of Mr. Champoux.

Saying that, Ms. Lattanzio, your hand is up, and you're welcome to speak.

[*Translation*]

Ms. Patricia Lattanzio: Thank you, Mr. Chair.

My questions are for Mr. Ripley.

The bill before us would require the CRTC to hold significant additional consultations on many of its decisions.

In your opinion, would this not increase the CRTC's administrative burden, both in terms of time and resources? In addition, could it hinder its ability to fulfill its mandate?

Mr. Thomas Owen Ripley: I thank the member for her question, Mr. Chair.

Obviously, it could increase the burden on the CRTC. The bill states that this duty to consult must be done “before furthering the objects and exercising the powers referred to in subsection (1) in respect of the aspects of the Canadian broadcasting system...”. The powers referred to in subsection (1) are set out in the Broadcasting Act. The CRTC makes a lot of important decisions every day, such as administrative and policy decisions. As we understand it, the purpose of this bill is to ensure that the commission conducts consultations whenever it intends to exercise a power set out in the Broadcasting Act. Obviously, this will increase the burden on the CRTC.

Ms. Patricia Lattanzio: Could this bill result in potentially significant additional expenditures to carry out the proposed consultations, including an increase in staff?

Mr. Thomas Owen Ripley: I thank the member for her question.

The answer is yes. Every time the CRTC begins a public consultation process, it involves additional costs; it also takes time, which adds to the time it takes to make a decision.

There is indeed a duty to consult before exercising a power. Then, if the CRTC decides to go ahead and launch a public consultation process, there will have to be another consultation, in which the provinces and territories will be able to participate.

Yes, it will cost more money and it will take time.

Ms. Patricia Lattanzio: Mr. Ripley, I'm going to go back to the independence issue that you discussed earlier. I wanted to come back to it because you mentioned that this bill could create the impression of undue influence, which could possibly undermine the independence of the CRTC.

Could you tell us more about the importance of that independence and tell us why it is necessary so that there is no perception of influence, which could be potentially harmful?

• (1245)

Mr. Thomas Owen Ripley: Mr. Chair, I thank the member for her question.

As I mentioned, the CRTC's role is to implement the policy framework set out in the Broadcasting Act, which includes several objectives related to supporting francophone communities and francophone programming. The role of the CRTC is therefore to decide the best way to support and advance these policy objectives.

Certainly, the provinces, including Quebec, will take an interest and may have an opinion. However, it must be acknowledged that other stakeholders will have differing positions on the subject. So it's not a matter of ignoring the position of the provincial governments. It is also the CRTC's role to take everything into account and, in the end, to make a decision while ensuring that the CRTC's opinion better reflects the policy framework set out in the act.

In addition, if the department is required to consult provincial governments, the CRTC may change its position before even consulting other stakeholders who may have opinions contrary to those of the provincial governments.

Ms. Patricia Lattanzio: I have one last question about how these consultations are to be carried out. In your opinion, Mr. Ripley, how long would it take to do proper consultations?

Mr. Thomas Owen Ripley: Mr. Chair, I thank the member for her question.

My answer to that question about how long it might take is that it may depend on the situation. The problem with the way the proposal is worded is that this duty to consult seems quite extensive. Therefore, the CRTC would still be required to hold consultations before exercising its power.

Ms. Patricia Lattanzio: Thank you.

[English]

The Vice-Chair (Mr. Kevin Waugh): Is there any more discussion on Mr. Champoux's subamendment? Seeing none, I will call for the vote.

(Subamendment negatived: nays 6; yeas 4)

• (1250)

The Vice-Chair (Mr. Kevin Waugh): Is there any more discussion on the original amendment? I see none.

Mr. Noormohamed, you're under the gun. You just beat me. Go ahead.

Mr. Taleeb Noormohamed: Can you quickly read back for us the amendment as it is?

The Vice-Chair (Mr. Kevin Waugh): I can. We're on CPC-1, as you know. There are no changes, so it's what you have in your package that was sent out by the legislative—

Mr. Taleeb Noormohamed: Okay. I'm good.

The Vice-Chair (Mr. Kevin Waugh): Oh. You're good.

Mr. Taleeb Noormohamed: I'm sorry. I didn't have it in front of me. I just wanted to make sure I had it.

The Vice-Chair (Mr. Kevin Waugh): That's fine.

We're going to have a vote on amendment CPC-1.

Mr. Michael Coteau: Is this the one from Mrs. Thomas? Was she the original mover?

The Vice-Chair (Mr. Kevin Waugh): She was the original mover, but as you know, Mrs. Thomas is no longer here, so it's put up as CPC-1.

Mr. Michael Coteau: Just for technical reasons, does a name of the mover get attached to this, or does it stay as is? Is it just the CPC...?

The Vice-Chair (Mr. Kevin Waugh): It's Mr. Jivani.

Mr. Michael Coteau: Okay.

The Vice-Chair (Mr. Kevin Waugh): That's a good question though. Thank you.

Again, I'm going to call for the vote on amendment CPC-1.

(Amendment negatived: nays 7; yeas 3)

The Vice-Chair (Mr. Kevin Waugh): We move now to NDP-1.

Ms. Ashton, if you would like to move it, please do.

Ms. Niki Ashton: Yes, I would like to move it.

I think I explained in my earlier remarks why this amendment is so important. It has been championed by the FCFA and leaders of the minority language community.

In the interest of time in passing this bill, I will leave my remarks to that and, obviously, hope we can all support this critical amendment for minority-language francophone communities across Canada.

The Vice-Chair (Mr. Kevin Waugh): We'll go to Mr. Champoux and then to Mr. Coteau.

[*Translation*]

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

The amendment that my colleague Ms. Ashton is proposing does indeed reflect the expectations of francophone communities outside Quebec, those communities that we consulted in the spring, and even over the summer. It also reflects Quebec's request to be consulted, pursuant to the clause contained in Bill C-354. I am hoping that we won't spend an inordinate amount of time discussing this issue. We already have the answers to all the questions we put to department officials.

I therefore urge us to vote quickly on Ms. Ashton's amendment.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll move to Mr. Coteau.

Mr. Michael Coteau: I just have a quick question for Mr. Ripley.

The bill refers to “markets”. Are we specifically talking about television and radio in this reference, from your perspective?

As outlined in the original legislation, when it refers to “markets”, does this term refer just to television and radio?

Mr. Thomas Owen Ripley: The context of the Broadcasting Act is radio, television and online streaming.

My read of the term “market”, though, is that it's more about a language market as opposed to a reference to radio or television market rights. It's those places in Canada where there's a French-speaking community—a French-speaking market. We can think of Franco-Ontarians or Franco-Manitobans, etc.

That would be my reading of that term.

• (1255)

Mr. Michael Coteau: When I think of “market”, I do think of CRTC—television and radio.

If this passes, is it pretty clear what it's making reference to, from your perspective?

Mr. Thomas Owen Ripley: To my knowledge, it's not a term that is used elsewhere in the Broadcasting Act. There is a certain degree of novelty or newness about it. It does introduce a degree of

ambiguity. It's not a defined term that you find in the Broadcasting Act.

Mr. Michael Coteau: Mr. Chair, I have a quick question for the mover.

On the consultations that took place, how were these done, specifically?

Maybe the mover would like to just give us a bit of a reference point on that, if possible.

The Vice-Chair (Mr. Kevin Waugh): Ms. Ashton, are you with us?

Mr. Coteau has asked you a question.

Ms. Niki Ashton: I repeated numerous times that the Fédération des communautés francophones is a main champion of this amendment. This is the national body for francophone communities outside of Quebec. I hope we can respect them.

I'm frankly a bit shocked at the Liberals, who claim to want to take the decline of French seriously. I don't know why we're wasting time on this critical amendment that's being championed by francophone communities outside. If we want to see support for francophone communities, the Liberals would get behind this amendment.

I'm looking forward to a vote, ASAP.

The Vice-Chair (Mr. Kevin Waugh): Mr. Coteau, do you have anything else to add?

Mr. Michael Coteau: The assumption that one wouldn't care about French markets outside of...in Ontario and across the country... I think there's lots of evidence out there that Liberals have supported French communities and specific rights right across the country. I don't think that asking questions on the definition of what “markets” refers to or what type of consultation is done is in any way trying to take away from the respect for the French language across the country as a whole.

As members, we all have a right to ask questions for clarity.

Thank you, Mr. Chair.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll go now to Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

I was going to begin by echoing a little of what Mr. Coteau said. When we're asking questions about an amendment that is, quite frankly, important, given that we're talking about the actual mandate and what the CRTC does, that should not be construed as lack of support.

As Mr. Champoux knows, we spent a lot of time together in my riding this summer, visiting and talking to francophone communities. There's the support that I and others of a lot of political parties are giving to ensure that francophone communities are heard. I don't know if that's really in the spirit of trying to get to a good place on this amendment.

The question I would ask of Mr. Ripley—very sharp, very specific, not trying to delay—is this. We've heard about the CRTC's consultation process from the CRTC. We're talking about making sure that francophone linguistic minority communities like the ones in my riding are actually heard and that these markets are reflected. However, we're using terminology that is now outside what is normally used, so I want to know how this specific amendment is going to improve or enhance or assert any improvement to the detailed consultation that CRTC already does. If the organizations implicated are not feeling like they're being heard, is this the right way to go about it? I do want to make sure that the aspirations of the francophone community across the country are actually heard, but is this the best way to do it? That is what I would like to know.

Mr. Thomas Owen Ripley: There are two things, MP Noormohamed.

The first is that obviously Ms. Ashton is best placed to speak to what the objective of the proposed amendment is, but from where I sit, it seems to be ensuring there is a broader range of perspectives brought to the table in terms of this obligation to consult, and that it wouldn't be just provinces and territories but also official language minority communities who, again, may have a different perspective from the provincial government that they wish to be considered.

The second thing, in relation to your question, is.... There was a lot of debate about this in the context of the Online Streaming Act, Bill C-11. Parliament ultimately did put in an obligation on the CRTC to proactively consult with official language minority communities when making decisions that could adversely affect them.

You see that at subsection 5(2) of the Broadcasting Act, where there's a positive obligation. There's a positive obligation on the CRTC to share information with them, to consult them before decisions are made, to support their participation in the consultations, and then, at the end of the process, even to provide them with feedback after a decision has been made.

The Broadcasting Act was already significantly strengthened to ensure the participation of official language minority communities during public proceedings and consultations by the CRTC.

• (1300)

The Vice-Chair (Mr. Kevin Waugh): Do you have any other questions, Mr. Noormohamed?

Mr. Taleeb Noormohamed: I had one more. If we were to make this amendment, what does that do—positively or negatively—potentially for indigenous communities and other communities who may or may not currently feel like they're being heard by—

[Translation]

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

If my Liberal colleagues simply want to drag out the time remaining until the end of the meeting to prevent us from voting, they should say so; we will settle this quickly.

Now, bringing in indigenous communities on this issue has no relevance, neither to the amendment nor to what is already in place. I think there are very clear processes set out for indigenous communities in the consultation processes. We're talking about an amendment to a clause contained in the bill.

We could really speed things up by staying on topic.

[English]

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Champoux.

Since we started about six minutes late, we've asked for an extension to 1:06, so Mr. Noormohamed, please wrap up your question for Mr. Ripley, if you don't mind.

[Translation]

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

I disagree with my friend Mr. Champoux, for whom I have a lot of respect.

In my opinion, the CRTC, the Canadian Radio-television and Telecommunications Commission, already has the capacity and the obligation to hold consultations with francophone communities and the province of Quebec. What bothers me is that, if we open that door, it could create a desire to make other changes, for example, for indigenous communities. I'm just expressing a concern.

Are there any consequences that we are not aware of or that we are not considering in this situation if we open that door?

[English]

Mr. Thomas Owen Ripley: Chair—

[Translation]

Mr. Taleeb Noormohamed: The question is not to establish that we should not do more to hold consultations, but rather to determine whether there are risks that have not been considered.

[English]

Mr. Thomas Owen Ripley: Effectively, if the committee supports Bill C-354, it is creating a new consultation mechanism that is giving privileged access to those listed in.... It's whatever the bill reads. Again, we talked about the potential of a perception of influence in giving that privileged access to provincial and territorial governments. Broadening it to include others obviously raises a question about who has access to that mechanism versus who doesn't.

That's why the government's view remains that the best one is a public consultation, one open to everybody to participate—where everybody's views are put on the public record and the CRTC makes a decision based on that public record, including the views and perspectives put forward by provincial governments.

The Vice-Chair (Mr. Kevin Waugh): Mr. Noormohamed, is there any further discussion?

Mr. Taleeb Noormohamed: On the last thing Mr. Ripley said, the way he phrased it would imply that it happens. The bill seems to imply that it doesn't.

Where is the disconnect?

Mr. Thomas Owen Ripley: Again, Monsieur Champoux outlined some of the concerns that have been voiced by the Government of Quebec. That said, nothing prevents the Government of Quebec from participating in the CRTC consultations.

Mr. Champoux has made the case for why he believes there should be a positive obligation, but again, from the government's perspective, it introduces certain risks. Therefore, perhaps it is not a question of positive obligation but of ensuring that all participants, including provincial and territorial governments, know when a consultation is under way, and that they are welcome and encouraged to participate if they have views they would like the CRTC to take into account.

• (1305)

The Vice-Chair (Mr. Kevin Waugh): Okay.

Mr. Noormohamed, are you good?

Mr. Taleeb Noormohamed: Thank you. I'm good.

The Vice-Chair (Mr. Kevin Waugh): Ms. Gainey, before we get to you and because it's 1:06, is it the wish of the committee to talk about this on Wednesday when we meet? We're close, but I can see Ms. Gainey would like another round of questioning here.

What is the will of the committee, since we are getting close to time here?

Mr. Michael Coteau: It is 1:06 now. I think we have to end. We'll just have to—

The Vice-Chair (Mr. Kevin Waugh): Would you like to come back to this on Wednesday?

Yes, Mr. Noormohamed.

Mr. Taleeb Noormohamed: What's on the agenda for next Wednesday, Mr. Chair?

The Vice-Chair (Mr. Kevin Waugh): Wednesday....

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Mr. Noormohamed asked what's on the agenda for Wednesday's meeting, Mr. Chair.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): I'm not sure.

There are two things. We can continue this on Wednesday, and then we can go to the draft report.

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I want to express my deep disappointment that we were unable to adopt not only a single amendment, but also a bill that contains a single clause on a subject on which everyone's position was established. We did not necessarily agree, but positions were known. I find it extremely disappointing today, and I wanted to put it on the record. We have not exactly covered ourselves in glory, to say the least.

This is a request from the Government of Quebec, so if we had the slightest respect for Quebec and for the recognition of the Quebec nation, we would not have dilly-dallied so much. I am extremely disappointed with today's turn of events.

I think this item should be on the agenda for Wednesday's meeting, so that we can finish our study of Bill C-354.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Ripley and Mr. Lorrain. Could you come back on Wednesday? Thank you.

Seeing no more conversation, Ms. Gainey, we'll get back to you Wednesday. You'll be first up.

This meeting is adjourned.

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