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Tuesday, January 31, 2023

The Honourable GEORGE J. FUREY,
Speaker

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.

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THE SENATE

Tuesday, January 31, 2023

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE LATE HAZEL MCCALLION, C.M.

Hon. Victor Oh: Honourable senators, I rise today to pay tribute to a great friend, mentor and extraordinary Canadian, Hazel McCallion, who sadly passed on Sunday, two and a half weeks shy of her one hundred and second birthday. A long-time mayor of Mississauga, Hazel McCallion led a small collective of towns in the late 1970s to transform into the sixth-largest city in Canada. Most importantly, Hazel was instrumental in turning Mississauga into one of the most culturally diverse cities in the country.

Personally, Hazel applied the same work ethic and enthusiasm to her friendships. Ours, for example, spanned over three decades, with many trips abroad, monthly breakfasts and countless cherished memories. As I was a new Canadian, she took me under her wing and guided me on the ways of Canada, in particular, our respect and appreciation for diversity and a strong commitment to community service. I'm certain that if not for her friendship and guidance, I would never have the opportunity to sit in this chamber at the service of Ontarians and Canadians.

I last saw Hazel two weeks ago. We chatted, debated and reminisced in our familiar patterns. Before my departure, the forever-playful Hazel left me with a very special parting gift, one of her famous bobble-head dolls, which she dated and signed. Needless to say, this will be a cherished piece of memorabilia in the Oh household.

Colleagues, I consider myself extremely fortunate to have had over 30 years of friendship with Hazel McCallion. She will be terribly missed by me and my family. I would like to wish her children, Peter, Paul and Linda, my sincere condolences. Hazel, thank you for your service to Canada. May she rest in peace, thank you.

THE LATE JOHN (JODY) KRETZMANN

Hon. Mary Coyle: Honourable senators, I rise to pay tribute to my friend and colleague Dr. Jody Kretzmann, who sadly passed away on January 1.

Best known for his work with the Asset-Based Community Development Institute, or ABCD, originally at Northwestern University and now at DePaul, and for his groundbreaking book *Building Communities From the Inside Out*, co-authored with John McKnight, Jody Kretzmann helped revolutionize community work from a dependency-creating and often

demeaning approach that only sees problems and needs to one that instead recognizes local strengths, assets and valued experiences with local people mobilizing their own assets and building on those. Jody wrote a Harvard Law School reference for Barack Obama, whom he knew from their days of community organizing in Chicago.

At his funeral, attended by people from all over the world, Jody was described as an athlete, organizer, thinker, teacher, a welcoming friend who was a good listener, and a joyful, optimistic man who was nurturing and known for his kindness.

Jody Kretzmann made a huge impact in inner-city Chicago, and his ABCD work inspired tidal waves of impact around the world — several through Coady Institute partnerships. Karri-Lynn Paul, an Indigenous leader with Coady's Circle of Abundance, Indigenous Programs, said:

I am excited about using ABCD as a decolonizing method in changing how Indigenous and non-Indigenous people think about and see Indigenous communities. It provides a solid foundation on which to build on the abundance that already exists in Indigenous communities.

Lucía DiPoi, Executive Director of CLE, the Haitian Centre for Leadership and Excellence, said:

In Haiti — with decades of failed, internationally led development — the ABCD approach goes in the opposite direction — working with communities to shine a light on their resources, expertise, talents, priorities and essentially their rights and capacities to determine their own destiny. ABCD has resonated so well in Haiti because of the clear contrast with the old paradigm which only highlights everything Haiti isn't and everything it lacks.

As I conclude this tribute to Jody, I quote advice from the man himself:

Look for capacities in unexpected places. Be surprised. Welcome everyone. Invite them in. Move slowly and quietly. Be open to what's there and don't be looking for something that isn't there. . . . Toss the ball to others and assume they have the gifts to run with it. . . . Respect everyone

Jody Kretzmann, I raise, in your honour and with great affection, this glass, half-full, just exactly the way you always saw the world. *Wela'lioq*, thank you.

THE LATE JANICE JOHNSTON

Hon. Paula Simons: Honourable senators, on Friday, Edmonton's journalism community came together to mourn one of their own: Janice Johnston, who covered cops and courts for the CBC. She was a reporter's reporter, the kind of tough and tender woman who put the broad in broadcaster.

For more than 30 years, Johnston covered some of the biggest crime stories in the country without fear or favour. She went toe to toe with the police, never hesitating to call them to account. At one point, they actually, outrageously, got a warrant to tap her private phone because they were so frustrated that she would not give up her sources. She was just as hard on judges — fighting publication bans because she believed the public had a right to know what went on in public courtrooms.

• (1410)

Along the way, she earned the respect of homicide detectives and Crown prosecutors, defence attorneys and judges, for her precise professionalism and ferocious work ethic.

One of the most important stories of her long career involved an Indigenous woman who had been the victim of a brutal, near-lethal sexual assault. The Crown prosecutor, worried the woman might not show up to testify, had her jailed. The woman was transported to and from court in shackles, right next to the man accused of raping her. Like an avenging angel, Janice worked to expose what had happened.

With passion and heart, she covered murders and child abuse trials, police misconduct hearings and disbarment proceedings. She was a ferocious competitor and loved nothing better than getting the scoop. Very, very occasionally, I would beat her to a story. Watching her fury filled me with glee, because to beat Janice was a victory indeed. It was even more fun when we worked in tandem to fight a publication ban or unseal an exhibit because, while she was a great competitor, she was also a hilarious and inspiring comrade-in-arms.

At her memorial service, her husband Scott, a veteran city hall correspondent, talked about what it was like to live in a house where, he joked, he was always the second-best reporter. Just once in their 36-year marriage he beat her to a story about the resignation of a police chief. She called him moments after his scoop went to air, with words he could not repeat in a United Church.

Earlier, in the 1990s, she worked for CFRN, Edmonton's CTV affiliate. But when she turned 39, the station's new managers slowly pulled her off air, replacing her with younger faces. She quit in protest and announced that she was leaving journalism. But she couldn't be kept away. After a few years as a media consultant, she returned to the fray at CBC, where she did some of her best and most important work — long after her hair went silver.

She'll be so missed by Scott, their daughter Samantha and their granddaughter Cali, and missed by every Edmontonian who turned to Janice Johnston for truth in our city's darkest moments.

Thank you, *hiy hiy*.

[Translation]

BLACK HISTORY MONTH

CAPTAIN HABIBA NOUHOU

Hon. Amina Gerba: Colleagues, as part of Black History Month, I have decided that each week in February I will introduce people of African descent who are helping shape our country.

Today I'd like to introduce you to Habiba Nouhou.

In her mother tongue, Hausa, one of the most widely spoken languages in Africa, an uncle calls his niece, "my daughter." My husband calls her his daughter, and I do, too.

Perhaps you are wondering why I am using my time in this distinguished place to introduce a completely anonymous, unknown person who is, moreover, a relative of mine. I will simply say that it is because I am proud of her. I am proud of Habiba's journey. In 1996, my husband and I brought Habiba from Cameroon to give her the opportunity to study in Canada.

She lived with us, first in Montreal North, and then in Laval, while she studied at Polytechnique Montréal for her computer engineering degree and then at the Université de Montréal for a degree in mathematics.

After she graduated, she worked for a few years as a programmer-analyst at Correctional Service Canada, and then as the director of cybersecurity in one of our companies, Geram Communications Inc.

After seeing an ad on television, and with plenty of encouragement from her husband, Ursus Lardé, she decided to apply for the Canadian Armed Forces training program and was accepted in 2019. While in training, she spent time in Saint-Jean, Bagotville and Kingston.

Thanks to her unwavering faith, hard work and perseverance — one of my family's mottoes — Habiba completed her training in electrical engineering and communications in December 2022. She was promoted to captain and is now seconded as an operations officer for the Canadian Armed Forces' North Warning System at the DAEPMM in Gatineau.

When asked why she chose to work for the Canadian Armed Forces, she said:

Canada gave me a chance to reach my potential, and I was committed to giving back part of what I received. What could be more amazing than serving in the Canadian Armed Forces?

Esteemed colleagues, please join me in honouring the bravery and determination of my beloved daughter, Habiba Nouhou, and wishing her every success in the Canadian Armed Forces.

Thank you.

Hon. Senators: Hear, hear!

[*English*]

STOP NOW AND PLAN

Hon. Tony Loffreda: Honourable senators, sometimes we all need to just “SNAP” out of it. In other words, we need to Stop Now And Plan, or SNAP.

SNAP is a proven, evidence-based, gender- and cultural-sensitive program that teaches children with behavioural problems, and their parents, how to make better choices “in the moment.” It’s an innovative program that equips and empowers youth with effective emotional regulation, self-control and problem-solving skills.

I am a strong advocate for this made-in-Canada success story, which has a major national footprint and global reach.

SNAP was developed by the Child Development Institute in 1985. For nearly 40 years, SNAP has helped thousands, thanks to its award-winning crime prevention program.

SNAP has expanded considerably in recent years and can now be found in over 200 sites across the country, more than 140 schools and over 30 youth justice centres. It has also introduced three apps designed for SNAP children, caregivers and graduates to enhance their SNAP skills.

After this successful initial expansion, SNAP is now aiming higher, bigger and further with its “2.0 version” as it hopes to reach even more kids who might be struggling. SNAP has the tools, experience and knowledge to help them get back on track and, hopefully, remain in school, stay out of trouble, avoid the criminal justice system and become better citizens.

Honourable senators, what makes SNAP so successful is its early detection, intervention and prevention approach. SNAP helps youth learn self-control, problem solving and emotional management. SNAP participants learn to calm down and reflect before reacting, and to seek out positive solutions to their problems related to anti-social and violent behaviours.

SNAP’s proven track record of success is impressive. According to recent data from Washington State, SNAP has one of the highest benefit-to-cost ratios in the “Children’s Mental Health — Disruptive Behaviour” category, with an 86% likelihood that SNAP will produce more benefits than costs.

SNAP has also enjoyed the support of Public Safety Canada, through the National Crime Prevention Centre, thanks to an investment of \$10 million. More recently, PSC invested \$6.3 million to bring SNAP to 100 communities between 2017 and 2021. The target was exceeded, and SNAP HQ implemented 160 new SNAP sites despite the pandemic.

Honourable senators, I hope you will join me in congratulating and thanking SNAP for the tremendous work it does with some of our most vulnerable youth in helping shape their future for the better.

I encourage you to learn more about SNAP 2.0 and its ambitious goal of increasing its footprint across the country. Thank you.

[*Translation*]

HUMAN RIGHTS IN IRAN

Hon. Julie Miville-Dechêne: Honourable colleagues, on Christmas Eve, I agreed to sponsor a young Iranian teacher, Mona Afsami, who has been imprisoned since October 19. I did so at the request of the Iranian community in Montreal, which is trying to draw Canadians’ attention to the brutality of the Iranian regime as it executes its opponents. This sponsorship campaign is symbolic, but it gives a face to Iran’s 14,000 political prisoners.

More than 300 European parliamentarians led the way, and about 50 Canadian parliamentarians have followed suit. Senator Ratna Omidvar and I are sponsoring Mona Afsami who has been accused of collusion against national security. She faces five years in prison for daring to protest.

The unrest began last September following the arrest of young Mahsa Amini. For not wearing her headscarf properly, she died in detention, at the hands of law enforcement.

• (1420)

Iranian women took to the streets without their veils to denounce the harassment and oppression they endure. This “feminist revolution” then extended to all Iranians, both men and women, mostly young, who want the end of a regime that is suffocating them. Nearly 470 protesters have allegedly died, including several dozen children. There have been at least four public executions.

The stories coming out of Iran are chilling. Prison guards reportedly severely beat young Elham Modaresi for going on a hunger strike. Her family believes her life to be in danger. Another young woman, Sepideh Qalandari, is said to have died under torture after her arrest in Tehran. Her body was handed over to her family in exchange for a promise of silence.

The torture, crackdown on demonstrations and denial of fundamental justice for detainees have been denounced throughout the world. What can we do?

Canada has very little influence over the Iranian regime as economic and diplomatic relations between the two countries are very limited, but this does not mean that we are completely powerless. The Canadian government could take inspiration from other countries and increase pressure on the Iranian regime by adding the Islamic Revolutionary Guard Corps to the list of 73 terrorist organizations, for example.

After the violent upheavals last year, 2023 will be decisive for Iranians who dream of freedom and for those who have stood with them, including thousands of Canadians. It is time for Canada to deploy all its means to support the aspirations of our friends in Iran: women, life, freedom.

Hon. Senators: Hear, hear!

THE LATE AL FLEMING

The Hon. the Speaker: Honourable senators, as you know, on Saturday, January 7, 2023, we lost a long-time member of the Senate family. Al Fleming had worked with the Senate since 2009 and was a well-known and well-liked member of our team, known particularly for his work supporting the Indigenous Peoples Committee. I know that you will join me in expressing our heartfelt condolences to his family, his friends and his colleagues upon their loss. Al will be greatly missed, and our thoughts are with them all.

I would invite honourable senators to join me in a minute of silence in honour of Al.

(Honourable senators then stood in silent tribute.)

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO AUTHORIZE JOINT COMMITTEES TO HOLD HYBRID MEETINGS

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding any provision of the Rules, previous order, or usual practice, until end of the day on June 23, 2023, any joint committee be authorized to hold hybrid meetings, with the provisions of the order of February 10, 2022, concerning such meetings, having effect; and

That a message be sent to the House of Commons to acquaint that house accordingly.

[English]

NOTICE OF MOTION TO AFFECT THIS WEDNESDAY'S SITTING

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding any provision of the Rules, previous order or usual practice, on Wednesday, February 1, 2023, the Senate adjourn at the earlier of the completion of deliberations on Bill C-11 for that day or midnight.

MOTION TO CALL UPON THE GOVERNMENT TO IMMEDIATELY DESIGNATE THE WAGNER GROUP AS A TERRORIST ENTITY ADOPTED

Hon. Ratna Omidvar: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That, given reports of human rights abuses and attacks on civilians in Ukraine and other parts of the world by the Russian-supported Wagner Group, the Senate call upon the government to immediately designate the Wagner Group as a terrorist entity.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Omidvar: Honourable senators, the Wagner Group is well known to all of you by reputation. It is a killing machine for hire made up of lawless mercenaries wreaking havoc in Syria, Libya, the Central African Republic, Mali and now in Ukraine — all to further, purportedly, the foreign policy objectives of President Putin.

If the government acts on this motion, the Wagner Group will not be allowed to enter Canada. Their assets will likely be frozen — they could be seized and repurposed to the victims, which could be justice of its own kind. But the first step in the process is to deem them a terrorist entity, and only the government can do that. Last night in the House of Commons, a unanimous motion with the same wording was adopted.

Let's join our voices to theirs so that both houses of government can bring their collective voice and influence the government to do the right thing.

This group is a stain on civilization and a stain on our collective humanity. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Scott Tannas: Honourable senators, I want to thank Senator Omidvar for bringing this motion forward. It is timely and widely supported, I'm certain, including by me. I want to thank her for the advance notice of her intention to ask for leave, which then allowed us all to discuss it in our respective groups and understand it.

I want to say, on behalf of our group, that we would like to register a concern: It is the rising practice in the House of Commons of bringing unanimous consent motions — especially on issues that are emotionally charged and sometimes on issues that are politically charged — where denying unanimous consent would make those who might want to better consider or study the motion vulnerable to ridicule or disrespect.

So I would ask — not in this case; this is a very worthy case — that we not tread the path that the other place is treading by using unanimous consent motions for things that are other than extremely urgent and time bound and not designed to force somebody to sit uncomfortably in their chair. Thank you.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

• (1430)

[Translation]

ONE HUNDREDTH ANNIVERSARY OF THE CHINESE EXCLUSION ACT

NOTICE OF INQUIRY

Hon. Yuen Pau Woo: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the one hundredth anniversary of the *Chinese Exclusion Act*, the contributions that Chinese Canadians have made to our country, and the need to combat contemporary forms of exclusion and discrimination faced by Canadians of Asian descent.

[English]

QUESTION PERIOD

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

BUSINESS OF THE COMMITTEE

Hon. Brian Francis: My question is for the Chair of the Standing Senate Committee on Rules, Procedures and the Rights of Parliament, Senator Bellemare.

Senator Bellemare, could you give us an update on the work your committee has accomplished and intends to accomplish during the current session?

[Translation]

Hon. Diane Bellemare: Thank you, senator, for the question. Some work has been done since the committee was formed. The committee began by making a list of all the topics that may be of

interest to senators who are members of the committee and to their group. That was a rather long process. We wrote the list with the idea that we might try to get through it.

We started with relatively simple topics that weren't contentious.

So far, three reports have been adopted by the committee. Two of the reports have been presented and adopted by the Senate, and one report has been tabled. We're about to finish the fourth report.

We drafted the report on the election of the Speaker pro tempore. We changed the Rules accordingly to ensure that we elect the Speaker pro tempore properly from now on.

Our second report was on the significance of First Nations objects, clothing or ceremonies. One of the questions we asked ourselves during the drafting of this report was whether we wanted to add anything to the Rules that had previously not been officially recognized.

Our third report allowed us to review the committees' mandates. We conducted a stylistic analysis of the wording of these mandates because in the Rules there were different types of descriptions. Some of the text of the committees were described by the themes that they should or could address, while others were descriptions that were more general in nature.

We reviewed the description of all the committees to adopt a more general view of their mandates since it is always the Senate that refers matters to committees. Therefore, it isn't useful to provide a restrictive list of subjects for committees. This report was tabled and adopted.

We included in this report changes to the names of certain committees. The name of the Committee on Aboriginal Peoples was changed to Committee on Indigenous Peoples.

We then prepared a report on the creation of a special Senate committee on human capital and the labour market, but the report was not adopted.

As you know, during our study for this report, we heard from the chairs and former chairs of the Standing Senate Committee on Social Affairs, Science and Technology and the Standing Senate Committee on Transport and Communications, and we agreed that there's one field that the Senate hadn't studied very much — the field of human capital, human resources and the labour market — and that we should make room for this subject.

The committee hasn't been established at this point because there are concerns about our financial and especially our human resource capacity, as well as our capacity, within the Senate, to complete the work for that committee. However, we will resume studying that committee soon at the Standing Committee on Rules, Procedures and the Rights of Parliament.

We also undertook a review of the Standing Orders, at the request of the clerks of the Senate, to correct some language that didn't really reflect current Senate practices or that was outdated. The language has been standardized, and you will soon receive the fourth report on this matter.

We also worked very hard last November to try to see if we could find common ground on the motion on equality of Senate groups, as it was known, which ended up combining motions from Senator Woo and Senator Tannas —

The Hon. the Speaker: I'm sorry, senator. The question is on the activities.

Senator Bellemare: Okay, the activities. That is the activity we completed, and we will continue. Thank you.

Hon. Senators: Hear, hear.

ORDERS OF THE DAY

SPEAKER'S STATEMENT

The Hon. the Speaker: Honourable senators, I would like to read a statement that was made by the Speaker of the House of Commons yesterday:

The Chair wishes to inform the House of an administrative error that occurred with regard to Bill C-18, An Act respecting online communications platforms that make news content available to persons in Canada.

Members may recall that the Standing Committee on Canadian Heritage made a series of amendments to the bill, which were presented to the House in the committee's fourth report on December 9, 2022. The committee also ordered that the bill, as amended, be reprinted for the use of the House at report stage.

The House concurred in the bill, as amended, at report stage on December 13, 2022, and adopted the bill at third reading the following day.

Following passage at third reading, as per the usual practice, House officials prepared a parchment version of the bill, which was transmitted to the Senate. Due to an administrative error in the committee's report, which was also reflected in the version of the bill that was reprinted for the use of the House at report stage, the report and the bill both included a subamendment, adding a new clause 27(1.1) to the bill, which had been negated by the committee and should not have appeared in the bill.

Given the tight timelines between the presentation of the report and consideration of the bill at third reading, the error went unnoticed before the bill was passed. Nonetheless, the

decision taken by the committee was clear, as recorded in the minutes of the meeting. The Chair has no reason to believe that members were misinformed when they adopted the bill.

This error was nothing more than administrative in nature. The proceedings which took place in this House and the decisions made by the House with respect to Bill C-18 remain entirely valid. The records of the House relating to this bill are complete and accurate. However, the documents relating to Bill C-18 that were sent to the Senate included an error and were not an accurate reflection of the House's intentions.

Similar situations have been addressed by my predecessors, such as in a ruling on April 12, 2017, found at page 10486 of *Debates*. Guided by this precedent and others, similar steps have been taken to address the current case.

Once the error was detected, House officials immediately communicated with their counterparts in the Senate to inform them of the situation. The Chair then instructed House officials to take all the necessary steps to correct the error in both the committee's report and the bill itself, and to ensure that the other place has a corrected copy of Bill C-18. A revised version of the bill will be transmitted to the Senate as per the usual administrative process.

Furthermore, the Chair has asked that a rectified "as passed by the House of Commons" version of the bill be printed and that the fourth report of the committee be corrected accordingly.

In light of this situation, the Senate will be in a position to make its own determination as to how it will proceed with Bill C-18.

I thank all members for their attention.

Honourable senators, as the Speaker of the other place noted in his statement, we have had to deal with such errors before.

The defective version of Bill C-18 was given first reading in December. Debate at second reading has not yet started. We cannot now bring the corrected version of the bill before the Senate until proceedings on the previous version have been declared null and void. That would essentially clear the way for the corrected bill.

As explained at page 131 of *Senate Procedure in Practice*, in cases where a bill has not yet received second reading, a motion to declare proceedings null and void requires either one day's notice, or it can be moved immediately if there is leave.

Since the Senate has only just been advised of this situation, I would invite honourable senators to reflect on the best approach in dealing with this unfortunate matter.

• (1440)

[English]

ONLINE STREAMING BILL

BILL TO AMEND—THIRD READING—DEBATE

Hon. Dennis Dawson moved third reading of Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, as amended.

He said: Honourable senators, today I again have the pleasure to speak with you at third reading of Bill C-11, the online streaming act. Modernizing the Broadcasting Act is a key legislative priority for the government. This bill will clarify that online streamers are subject to the act and will update the Canadian Radio-television and Telecommunications Commission's, or CRTC's, tool kit to put in place a new regulatory framework.

[Translation]

Modernizing the law means adapting it to today's reality and laying the groundwork for the future. This must be done in a way that takes into account today's reality — a reality where digital technology is increasingly present in people's lives, a reality where there are a variety of business models in the current Canadian broadcasting system. The legislation must therefore establish an up-to-date regulatory framework with clear direction, the necessary tools and the flexibility to remain relevant.

[English]

As you all know, the last major update to the Broadcasting Act dates back to 1991. As we all have seen, since 1991, there has been tremendous change in the broadcasting sector. The arrival of the internet and new digital technologies has changed the way we communicate with each other and the way we consume our culture. More recently, with the pandemic, we have seen how technology is taking a huge place in our daily lives, and it is clear that this reality will not change.

The sector has undergone change at an unprecedented pace. The majority of Canadians now turn to online streaming services to access their favourite music, their favourite movies and their favourite TV shows. Services like Netflix, Spotify, Crave, CBC Gem, club illico are household names alongside the traditional services of radio, television and cable, and these traditional services remain important, especially to certain demographics. Canadians stream 2 billion songs in a single week using services like Spotify, YouTube and Apple Music.

According to a survey conducted by l'Association québécoise de l'industrie du disque, du spectacle et de la vidéo, or l'ADISQ, 61% of respondents said they listen to music on online services like Spotify and Apple Music. But that does not mean online broadcasters have replaced traditional broadcasters. In that same survey, 60% of respondents noted that they use the radio as a tool for discovering music. Make no mistake; although the consumption of media has changed, it has not come close to

replacing traditional broadcasting. What hasn't changed, however, is our regulatory system, and it desperately needs to be updated.

The general director of l'ADISQ, Eve Paré, testified before us during the study undertaken by the Senate Standing Committee on Transport and Communications. She said:

This situation is a concern for creators and producers, but also for the public, who are very attached to their culture. In that same survey, we learn that 73% of Quebecers believe that the government should adopt legislation so that services such as Apple Music, Spotify and YouTube also have to contribute to funding this content. In addition, 70% of those who stream music say they would like to see recommendations of French-language music from Quebec.

[Translation]

For several years, streaming services have had a significant impact on our broadcasting system. The reality is that satellite and cable services are losing subscribers. The broadcasting system has lost revenue, advertisers and viewership to online services.

However, despite all this, the law hasn't changed. The government and parliamentarians have been working carefully on this bill for a long time, and the number of citizens who participated is a good indication of how important this topic is.

The Senate has done its work. Over the past several months, we've had important conversations. We heard from over 130 witnesses who came to talk to us about this bill. Colleagues, I thank you for the extensive work you have done. Now, we need to get the proposed online streaming act passed to support our creators, our cultural industries and all Canadians.

[English]

Bill C-11 is part of a broader set of initiatives put forward by the government to create a forward-thinking digital policy agenda, including the online news act that we talked about a few minutes ago and the government's commitment to address online safety. Bill C-11 aligns with other acts and legislative instruments and respects the Canadian Charter of Rights and Freedoms. It also helps Canada fulfil its international commitments, such as the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions and the United Nations Declaration on the Rights of Indigenous Peoples.

It is important that we modernize the broadcasting framework. This is the task at hand.

It has been almost two years since Bill C-10 was introduced to modernize the Broadcasting Act, and I am before you again. In 2021, when we had Bill C-10 before us, I remarked that neither I nor the government had the intention to ram this legislation through the Senate. Well, here we are in 2023, and 20 months later you can see — some people doubted — that I was telling the truth.

Before Bill C-10, in June 2018, the Government of Canada appointed a panel to review the broadcasting and telecommunications legislative framework. That panel studied these issues for two years and published a report called *Canada's Communications Future: Time to Act*. They received over 2,000 written submissions. That same year, it turns out, my colleagues and I on the Transport and Communications Committee began a study on this topic, but we deferred to the national panel's study.

With the committee report on Bill C-11 presented to this chamber late in 2022, we have finally finished that study.

When I rose to introduce Bill C-10 to you, I noted that the bill had already received considerable input. With 112 days at committee stage at the Standing Committee on Canadian Heritage, with over 40 meetings and close to 50 witnesses — not counting departmental briefings — the bill reflected the work done by parliamentarians and substantial input from industry and community stakeholders. Collectively, the interested parties recognize the need to modernize the act, even as their opinions may differ on the details.

As this bill reaches us today, Bill C-11 has received even more input. As tabled, the bill builds upon the work done on Bill C-10 during the last session with targeted changes to social media and some technical amendments. Parliamentarians once again had the opportunity to amend the bill during the House of Commons' clause-by-clause study. Senators once again had the opportunity to study this bill.

• (1450)

As I said earlier, we have had many witnesses come before us at the Standing Senate Committee on Transport and Communications, and just as promised for Bill C-10, neither I nor the government pushed to ram Bill C-11 through the Senate.

In fact, we welcomed an expansive study and heard from every single person and group that requested to testify — every single one.

Your faithful committee and I patiently and openly listened to their requests, their opinions and their concerns. We listened to professors, lawyers, cultural sectors, associations, unions, researchers, consumer groups, official language minority communities, government regulators, taxpayer federations, digital creators, traditional broadcasters, independent broadcasters, online audio streaming services, et cetera. As you can see, a lot of people gave their opinions and we're proud of the report that was adopted.

Your committee and I listened patiently to 138 witnesses over 31 meetings totalling 67 hours and 30 minutes. We listened patiently, and when we heard the confusion and misinformation surrounding the bill, at the end of the study we then heard from government officials who put to rest many of the misconceptions that had been put on the table.

[*Translation*]

Furthermore, concerns expressed about how streaming could negatively impact the broadcasting sector are neither new nor hypothetical. However, it is important to contextualize the facts because the decision not to impose obligations on online services dates back to the previous century. At the time, those services weren't having much of an impact on the broadcasting sector. It was important to let those innovative new services evolve.

That is obviously no longer the case. The world has changed, and the imbalance caused by lack of regulation must be fixed as soon as possible so that web giants contribute their fair share to supporting Canadian music and stories just as traditional Canadian broadcasters do.

[*English*]

Critics have suggested that this bill will result in foreign players withdrawing from the Canadian market. This is not the case — in fact, we have observed the opposite. These platforms — more than 75 online streaming services, including the big ones we all know — are available in Canada. More are coming and their content libraries are growing.

Online streamers compete directly with regulated broadcasters. In some cases, due to licensing, the only way Canadian consumers can view the latest and most popular series in tentpole franchises, like “Andor” and “The Lord of the Rings: The Rings of Power,” is through streaming services. Even “Kim's Convenience” and “Schitt's Creek,” content commissioned by the CBC, is being watched by Canadians on platforms like Netflix instead of on Canadian services like Gem.

In the past, when Canadian broadcasters licensed foreign programming, these services in turn supported Canadian programming through regulatory obligations. However, streaming services are not presently required to support the broadcasting system as traditional Canadian broadcasters do. This is a problem that requires urgent action and one that the online streaming act directly addresses.

This is not a quick cash grab or punishment to those who have enjoyed success in an unregulated environment. The online streaming act is not about picking winners and losers in the landscape of Canada's broadcasting system. It does not compromise the personal freedoms of Canadians by censoring the internet.

This is about updating our laws and regulations to revamp the framework of our broadcasting system for today and for tomorrow. It is about providing the certainty and structure for sustainable success into the future.

What it does is simple: The legislation accounts for the realities of modern broadcasting and ensures a level playing field where all commercial players materially contribute to attaining the objectives of the Broadcasting Act. This bill is asking platforms that benefit from Canadian culture to contribute to our culture.

Our chamber has an important role to play within our democratic process and has performed that role admirably. We studied its merits and aims to better understand how it will work and why it is so important. We have carefully listened to every point of view that has been presented. And ours is only one part of the process. Following this work, consultations will be held with everyone that wants to participate, and that is by design in this bill.

Many of our colleagues have raised important issues throughout the study of this bill. I hope that they will continue their engagement on these issues through the consultation process.

At a high level, the online streaming act addresses many important issues.

The online streaming act advances the interests of Canada and Canadians in several ways. Canadian broadcasters compete on an uneven regulatory playing field. Right now, Canadian broadcasters are subject to the full extent of Canadian broadcasting regulation, and online streamers are not.

The online streaming act is critical for sustaining the support ecosystem for Canadian culture, music and stories by levelling the playing field and ensuring the health of our cultural broadcasting sector. It is needed to secure sustainable investment in Canadian stories, both for TV and film; it is recognized by music stakeholders as critical to supporting and making discoverable our music and songs, in all of our languages; and it provides space within our broadcasting system for our communities that have faced systemic marginalization. Equity-seeking groups deserve to see themselves represented onscreen and to have opportunities to fill key creative roles in Canadian productions.

As the minister said, the online streaming act is not about regulating what people post online. This has been made very clear, time and time again. Rather, it is about seeking an equitable contribution from all big streaming services that are in the business of distributing commercial content.

I'd like to highlight the word "equitable" here. As we heard during our study from both the CRTC and government officials, contributions can take any number of forms that are not necessarily monetary:

With respect to expenditure requirements, that money is never transferred. An expenditure requirement stays within the company. It's essentially an investment obligation on their part to invest that in Canadian production, but they still retain control in the decision making over how they will do that.

We do expect some services, because they may not have a big production footprint here or otherwise, that their contribution may look more like what we know now for cable and satellite companies, which is a contribution to a cultural production fund, such as the Canada Media Fund. Those revenues, though, do not go to the department. That transfer is overseen by the CRTC, and that money is remitted directly to the Canada Media Fund, for example.

We also heard from both officials and stakeholders themselves that they already contribute to our cultural entertainment sector in a variety of ways.

This debate comes at a pivotal moment. After the transformative innovations of the early internet era, we are amidst a new wave of the digital revolution. The government will ensure that new technologies work for — not against — our democratic institutions and, importantly, that they will further Canada's cultural interests.

Our overarching objective remains to ensure continuing support for Canadian stories, music and culture in a sector that is increasingly saturated by foreign online streaming services and web giants.

The Standing Senate Committee on Transport and Communications has listened carefully to various groups of stakeholders. Working together, members of this chamber have developed proposals to further improve the bill, and I am sure more amendments might come forward over the next few days. Amendments from all parties and groups were proposed and adopted. No voice was shut out. No witnesses nor any of our colleagues were not heard.

Our broadcasting regulatory framework is out of date. Its application is uneven, and this imbalance will continue to hurt our creative industries until this legislation is passed and its thoughtful processes are completed. An imbalanced system does not serve the interests of Canada nor Canadians and limits our ability to realize the cultural and broadcasting policy objectives that the Broadcasting Act is ultimately meant to protect.

The government is asking us to work together to see this bill through the legislative process in a timely fashion, in the interest of our artists, our creators and Canadians altogether. I believe we are doing precisely that, while appropriately listening, considering and providing our sober second thought.

We must update our legislation to reflect the reality of digital disruption in the sector.

Honourable senators, we are faced with an important task; righting the regulatory asymmetry between traditional and online broadcast undertakings has been delayed for far too long. I wrote in 1982 that policy initiatives at that time were designed to develop greater appreciation for Canada's rich social, historic and cultural heritage.

• (1500)

The goals I wrote about at that time remain true today. The regulations of that day, however, are outdated.

The process around modernizing the Broadcasting Act has seen considerable remarkable debate and discussion. In some cases, prevailing misconceptions and fears have obscured the real issues. These misconceptions have, time and again, been discussed, analyzed and rejected.

[*Translation*]

I'm well aware of some parties' concerns about Bill C-11. It is time to come up with solutions. We have to address these regulatory challenges right now by requiring online music and video broadcasting services to contribute to our culture just as traditional broadcasters have always done.

I would point out that, under the 1991 Broadcasting Act, traditional broadcasting companies had to be owned and controlled by Canadians and had to be licensed. They could, and still can, broadcast programs from the international market and American stations.

In exchange for participating in the Canadian broadcasting system and accessing the national market, these companies had to finance, acquire and broadcast Canadian programs. They were also required to make programs available to Canadians and contribute to the creation of Canadian programs, including programs in French.

[*English*]

This does not happen by accident. It was intentional, and it worked. Our broadcasting system saw an increase in demand for Canadian programs. Our creative talent flourished, and our cultural industries saw predictable investments upon which they could plan to build and grow.

However, the support system for our stories and music has been eroding as revenues shift away from traditional broadcasters to online streaming services. This puts the support system for Canadian stories and music at risk.

Honourable colleagues, a primary goal of the renewed approach to regulation is to provide sustainable support for Canadian music and stories in the years ahead. The bill aims for fair treatment of programs consumed on different platforms, regardless of how they are transmitted.

New legislation will shift away from issuing broadcasting licences to a new condition-of-service model. This provides the CRTC with a new and more flexible way to seek contributions from broadcasters and to impose other conditions, including conditions related to discoverability and showcasing of Canadian programs. The latter is particularly important for Canada's musical artists, particularly French-speaking artists and others trying to compete in an industry dominated by heavyweights. In this framework, broadcasting undertakings, including online undertakings, would be required to make financial contributions to support Canadian music, stories, creators and producers.

I'd like to address two notable themes in the bill that merit some clear and specific mention here. They are the treatment of digital-first creators and the approach to social media.

The bill is clear that digital-first creators are not considered to be broadcasting undertakings. A producer of audio-visual content that is primarily produced and intended for online distribution as user-uploaded content on a social media service will be excluded.

Some critics of the bill have suggested that 30% of digital-first creators' revenues could be contributed to arts funding. This is simply not true. Digital-first creators will not be required to make financial contributions to support Canadian content.

Large social media services will be asked to contribute to Canadian music and storytelling if they provide commercial content, such as music and TV shows. You've heard many examples raised during this debate. Since digital-first creators are exempt, their revenues will not be used to calculate the contributions that social media services make to support Canadian content.

Additionally, digital-first creators will not be subject to discoverability or showcasing requirements. Again, despite what some critics of the bill have claimed, the government has heard the concerns of digital-first creators and is responding to them through a recalibrated approach to social media.

Discoverability can also come in a variety of forms, as we have heard during the study at committee. Discovery is an objective, and the CRTC will be empowered to consult with industry stakeholders to set out what discovery looks like in an online space. Whatever it looks like, digital creators will not be subject to those regulations, as they are exempt from the bill.

As the minister has said many times: platforms in, users out. I said that in my speech last year, and I am saying it in my speech again this year.

In summary, these provisions ensure that social media services contribute to the Canadian broadcasting system in a fair and equitable manner when they provide the same services as traditional broadcasters and other online streamers. At the same time, it can be done in a way that respects the rights, freedoms and choices of Canadians online.

To help understand why action is urgently needed, let's look at the current economic reality in the sector.

[*Translation*]

Broadcasting is an important economic driver, which supports Canada's creative industries and its evolving cultural identity.

Together, the Canadian broadcasting, film and video, and music and sound recording sectors contribute \$14 billion to Canada's GDP and create more than 160,000 jobs. I'm speaking to my colleague who is an expert in finance to clearly demonstrate how important these sectors are.

Over the past decade, the percentage of Canadians who subscribe to online broadcasters has grown from 6% to 78%. Even if we only focus on the last few years, the revenues of online streaming services have seen fast and substantial growth, while traditional broadcasters have seen steadily shrinking revenues.

[*English*]

This is no surprise. After all, we know that the world of broadcasting has changed. In addition to this new reality, the Canadian broadcasting sector is facing long-term structural change.

Without intervention, current trends in the market are expected to result in a decline in the production of Canadian television content. In 2020, we had already seen a \$320 million drop in production compared to 2018 levels.

Sustainable, long-term support for the system is required to enable ongoing success for Canadian creators, producers and broadcasters. That is what this modernization is about. That is what the online streaming act will achieve.

[*Translation*]

The status quo is unacceptable.

[*English*]

Cultural policy is a main element of this legislation. Ensuring the continued viability of the Canadian broadcasting system is also about our cultural sovereignty. Culture can play a role in the process of truth-telling and reconciliation with Indigenous peoples and healing.

[*Translation*]

These are some of the cultural policy issues that the Broadcasting Act addresses. It seeks to ensure that our broadcasting system is more fair and inclusive, that it will support the livelihood of Canadian artists and creators and that it will celebrate the lives of Canadians, who want to see more of themselves reflected on the screen and in song.

[*English*]

Real gains for Canadians are achieved through this legislation. These gains are a cornerstone for the survival of community media, local news, French language, racialized communities, third-language programming and so much more.

We have heard at committee that this legislation will give these content producers more breathing room in the space that they occupy.

We have heard from witnesses that foreign broadcasters need to play by the same rules as local broadcasters. Kevin Desjardins, President of the Canadian Association of Broadcasters, said it best when he testified at committee:

Canadian broadcasters are desperate for regulatory clarity and certainty. They need to know the rules they and their foreign competitors will be operating under to plan their businesses, and they need to know the rules will be fair and equitable. Canadian broadcasters are willing to compete, but they cannot do so in a system that allows increasingly dominant players to take as much as they want and only give back as much as they like.

Furthermore, this legislation also aims to ensure a space within our broadcasting system for Indigenous storytelling and Indigenous languages. Monika Ille, the Chief Executive Officer of the Aboriginal Peoples Television Network told our committee:

There are also additional references in the bill to support Indigenous language programming. The regulatory policy section in paragraph 5(2)(a) of the Broadcasting Act will require the CRTC to take into account the different characteristics of French, English and Indigenous language broadcasting as well as the needs and interests of Indigenous peoples. This is the first time Indigenous language content has been placed on an equal footing with English and French language content in the act.

Colleagues, we are truly making progress with this act.

[*Translation*]

Honourable senators, I would like to review the process that will take place after third reading of the bill. If we pass a bill that is different from the one passed by the other place, the bill will be sent back to the House of Commons so that it can review our amendments. The House of Commons will then have the choice to accept all, some or none of our amendments. Whatever the other place decides, it will send us a message informing us of its decision.

• (1510)

Our objective is to agree on the same bill. Once we achieve that objective, the bill will receive royal assent. Then, the government will issue a policy direction to the CRTC. A policy direction is often used to tell an organization how to implement important policies. The CRTC's policy direction will indicate the priorities for implementing the new regulatory framework.

The policy direction has two main objectives. First, it will focus on the importance of consultation and the special consideration of the needs of equity groups. Second, the policy direction will clearly indicate the areas in which regulation is necessary and the areas where caution must be exercised.

Once the policy direction is published, every stakeholder, including members of the public, will have at least 30 days to share their comments. Let me emphasize that we're bringing in a regulatory process similar to those in other sectors. This means that the proposed policy direction will be published, followed by an opportunity for members of the public to make comments, then the final policy direction will be published.

The CRTC will have its own public process as it develops measures for bringing into force the legislation. This will be done within limits clearly set out in the legislation and in accordance with the proposed policy direction.

To sum up, before the legislation is brought into force, the CRTC will receive a policy direction from the government. That policy direction will have two objectives: focus on the need for public consultations with members of marginalized communities and clearly highlight areas where regulation is necessary. Through hearings, members of the public will then have the opportunity to express their points of view.

Then, the final version of the policy direction will be published. The CRTC will begin to implement the legislation through its own process. That is what we heard at committee meetings.

This is what Mr. Ripley, from the Department of Canadian Heritage, communicated to the Standing Senate Committee on Transport and Communications about the process:

The way we see this playing out is that once the bill achieves Royal Assent, the CRTC at that point would begin its regulatory processes and hearings to put in place the necessary regulatory instruments to bring the online streaming platforms into the system. As for what that will look like in practice, the CRTC is skilled in this. They are used to doing these kinds of hearings. They would put up a notice and invite submissions about the forms that those would take. It would be open to all interested parties to participate in those processes, including online streaming services, the creative community here in Canada and groups representing the public interest. Then the CRTC would enter into its decision-making and publish its final decision at the end.

The online streaming bill offers many opportunities. It offers the opportunity to achieve greater diversity in perspectives, to realize and consolidate gains for many communities and to ensure inclusive support within our broadcasting sector. The Canadian broadcasting sector is very diversified. We are fortunate to have content producers who come from various communities. For example, I'm thinking of OUTtv, which offers LGBTQ+ content, or APTN, which offers Indigenous content.

The online streaming bill will provide Canadians with the opportunity to diversify the content they consume. To provide greater diversity of perspectives and inclusive support that represents and aligns with our communities, Canadians of diverse backgrounds must see a broadcasting system that reflects the importance of diversity and inclusion.

It is important to note that Bill C-11 addresses an urgent and long-standing problem, specifically the imbalances in Canadian broadcasting for equity-seeking groups that have never received this support.

[English]

Bill C-11 strengthens our broadcasting system by including an explicit broadcasting policy objective requiring that it include all Canadians.

Another strengthened objective requires that accessible and barrier-free programming be provided. Accessible and inclusive broadcasting are not an afterthought; they are foundational pillars on which to build.

[Senator Dawson]

[Translation]

In terms of diversity and inclusion, one of the goals of the bill is to put diverse and marginalized voices in the spotlight. For example, Indigenous people, racialized people, 2SLGBTQI+ communities, people with disabilities and women must be represented on screen and behind the scenes.

Historically, these voices have been under-represented in our broadcasting system. The goal is to expand content choices for all viewers and listeners who have difficulty identifying with content or finding content that reflects their reality. To that end, the broadcasting system must support and promote programs and creators from diverse communities and backgrounds.

[English]

The broadcasting system cannot be updated without ensuring that all Canadians from diverse communities and backgrounds see themselves reflected and supported. While some lament that niche markets will be lost, this is simply not true. The proposed legislation makes space for all. It cements that we are a country that not only invites diversity but encourages it and supports its creation.

Broadcasting reform can support First Nations, Inuit and Métis storytelling, music and culture. The government has listened to First Nations, Inuit and Métis peoples. The need to focus on Indigenous storytelling, narrative sovereignty and content creation is clear. Bill C-11 will see important improvements to Canada's broadcasting system to better reflect our relationships with Indigenous peoples for the first time.

In particular, the broadcasting framework will make space, regardless of resource availability, for diverse First Nations, Métis and Inuit perspectives. Indigenous communities are ready to produce and broadcast more content. What lacked before Bill C-11 was the resources.

I quote the Co-Executive Director of the Indigenous Screen Office, Jesse Wenté:

To us, the central focus should be the modernization of the definitions associated with broadcasting and broadcast undertakings, ensuring that there is equitable access and support for marginalized communities and that there be specific supports for Indigenous storytelling and Indigenous languages broadcasting. We believe new platforms, even those based outside Canada, should contribute financially to support Canadian storytelling and that there should be dedicated supports for Indigenous storytelling within that. . . .

Colleagues, this is what Bill C-11 will achieve. Bill C-11 removes the previous limitation "as resources become available for the purpose" with respect to providing programming that reflects the cultures of Canada within our broadcasting system. This is how it should be. It should always have been this way.

New technologies and platforms can aid in the revitalization of Indigenous languages. It's heartbreaking to know that many of our Indigenous languages, such as Oneida, Cayuga and Seneca, are on the brink of extinction, according to the UNESCO Atlas of the World's Languages in Danger project.

Ensuring space for Indigenous peoples to have narrative sovereignty is important and will support our efforts to revitalize Indigenous languages. Modernizing the act includes changes to help Indigenous peoples tell their stories from their own viewpoints and perspectives and to see themselves represented in our broadcasting system. This bill emphasizes the importance of Indigenous-controlled broadcasting services and productions.

French language programming is also a cornerstone of our broadcasting future.

[Translation]

Bill C-11 strengthens original French-language content and production, which shouldn't rely solely on dubbing and subtitling. Broadcasters, both traditional and online, must make original French-language content a priority on their platforms.

More and more people are speaking out about how foreign programming is mostly in English and there's so much more of it than there is of original content and production in French — even though this is something francophone communities across the country really need.

Our committee heard how pleased official language minority community advocacy organizations are with the language provisions included in Bill C-11. The Executive Director of the Alliance des producteurs francophones du Canada, APFC, Carol Ann Pilon, shared the following with the committee:

APFC welcomed Bill C-11's historic focus on the Canadian audiovisual ecosystem, particularly its formal consideration of the OLMCs and the objectives it set for the broadcasting system as a whole to reflect the specific needs and interests of those communities.

• (1520)

I see that Senator Cormier is listening intently to this part.

Thanks to an agreement between Quebec's main film distributor, Les Films Séville, and streaming services Netflix Canada, club illico and ICI Tou.tv, our favourite francophone films can reach new audiences and generate more revenue. More and more opportunities like these will become available to the francophone creative sector as the world tunes in to its vibrant voice.

As a senator from Quebec, I feel it's particularly important to ensure ongoing support for Quebec's audiovisual media sector. I really want to focus on the experience of francophones and anglophones in minority communities. Canada's linguistic duality is heavily reliant on the country's broadcasting system. This legislation addresses the needs and interests of minority francophone and anglophone communities across the country. They want to be identified and named in the bill as a means of ensuring their long-term growth and development.

[English]

The Broadcasting Act contains objectives for English-speaking and French-speaking minority communities. The legislation clarifies that any interpretation and application of the act must respect the federal government's desire to enhance the vitality of these communities and to support their development, as well as ensure the recognition and use of official languages in Canadian society. The CRTC must also enhance the presentation of programs created and produced by these communities, in addition to taking into account their specific needs and interests.

[Translation]

The broadcasting system, including the new digital players, plays an important role in the transmission of language and culture in Canada.

[English]

Honourable senators, we must act now. Our artists are a source of inspiration, breathing life and energy into our diverse communities on a daily basis. They revitalize the spirit of our culture. They elevate and celebrate our heritage as Canadians. They make us laugh, they move us and they make us reflect on who we are. They have been there for us, and we need to stand up for them. To put it simply, the goal of the bill is to promote and protect our culture in the digital age.

It is clear that we need to modernize the Broadcasting Act. The bill has broad support across Canada's cultural industries. Moreover, this bill is in the public interest. It is about making sure that we continue to uphold Canadian values in our society as technology and consumer habits evolve. After all, are we not citizens and people, as well as consumers and audiences?

[Translation]

The Minister of Canadian Heritage used to say that a day without culture would be boring, and I agree with him. The world is watching what we are doing. We are leading the way. I hope that together we will be part of the solution.

[English]

As I have explained, your committee and I have listened patiently to everyone that wished to be heard. The Canadian broadcasting and cultural sectors have also been waiting patiently. Colleagues, I believe we have been patient enough. Now is the time to act and to pass this bill. Thank you.

Hon. Leo Housakos: Would Senator Dawson take a question?

Senator Dawson: From you, always.

The Hon. the Speaker: Senator Housakos, he has three-and-a-half minutes.

Senator Housakos: Well, maybe he'll ask for an additional five. In the three minutes, I'll have a very short question and a short precursor to the question.

As we all know, colleagues, digital-first creators in this country are the driving forces behind platforms. Whatever the platform is — YouTube, TikTok, Twitter — it is the digital creators who are the driving force. So, Senator Dawson, when you say — and you have said it; the government has said it — “We want platforms in, users out,” if that was the actual case, would you accept an amendment that says, in black and white, “Platforms in and users out”? In which case, if we all agree to put that black and white in the legislation, we would pass this unanimously and go on with our lives. Would you be amenable to pass and support an amendment, and put — in black and white — what you consistently have said?

Senator Dawson: We have repeated constantly during the meetings — and to the witnesses that have come in for us — that digital-first creators are not going to be controlled by the government. It might have been an interpretation that existed in the old Bill C-10. The government, when they came back with Bill C-11, made it clear — again, trying to find an amendment that says, “Platforms in and users out” sounds sexy and might sell membership cards, but it certainly doesn't help improve the legislation.

Senator Housakos: Senator Dawson, it has nothing to do with sexy. It has to do with the hundreds of thousands of Canadians who are right now independent, user-generated content producers that want some security. All we are asking for the government to do is put — in black and white — in the legislation what you are claiming. Why is there a hesitation when it comes to putting it in the legislation instead of just giving Canadians a “trust us” promise?

Senator Dawson: Again, you were at all the meetings with me. The government has always repeated that digital creators are not involved. Trying to find a creative amendment that will reach your objective — we didn't need to do that. The bill clearly indicates that it does not apply to digital creators.

Senator Housakos: Senator Dawson, will you agree that at that same study we had at committee, the former chair of the CRTC, when he came before the committee, made it clear he has authority under the old Broadcasting Act and the current piece of legislation to force platforms to manipulate algorithms in order to get certain results when it comes to user-generated content? Is that true?

Senator Dawson: I don't want to repeat what we did during the two-and-a-half years that we have been debating this issue in which people have been trying a little bit of fear-mongering by saying, “We are going to take away the right of people to create, and the right of people to express themselves.” This is not the objective of the bill. It never was. I don't know how many times we have to tell you, Senator Housakos, that is not going to — I am trying to be creative, and — I know there was a strong political objective on your part — and everybody here knows that it was a very good fundraising period for you to go on television

and talk about this bill — but the reality is that you have been raising issues that are not true for Canadians in that bill. I am sad to have to say that, in the last few weeks of being here, it is the first time I have seen you in such an approach — because you have always been quite transparent on what you do — but, on this bill, I don't know why you decided to be very aggressive. As chair of the committee, you certainly did not — and we accepted every person you asked us to listen to. We accepted every digital creator that you put on our list. Every single last one of them came to committee, and we kept telling them, “Somebody told you this, but it is not true; you are not going to be controlled by this bill.” You can continue saying it again, but it is still not going to be true because you will repeat it in your speech later in the week.

The Hon. the Speaker: Senator Dawson's time has expired. Senator Dawson, are you asking for five more minutes?

Senator Dawson: It has already been 45 minutes, but I will ask for another 5, yes.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Paula Simons: Senator Dawson, I'm perplexed as I listen to this badinage back and forth because it seems to me that in our committee we adopted an amendment to section 4.2(2), which I will go into in greater detail in my speech. Does it not address precisely the issue that Senator Housakos is raising?

Senator Dawson: Yes, but you did not put those cute little words into the — he wants a simple — that is the amendment you proposed and the amendment that was adopted, and will be sent to the chamber once the bill is adopted. It reaches that objective of clarifying it. We could have tried to clarify it even more, but I don't think — if you would have used any other words — that it would have changed the attitude of the official opposition on the bill. I don't know what else you could have done except for that amendment.

Senator Simons: Would you not agree, Senator Dawson, that it was a problem that needed to be fixed? Senator Housakos is not wrong in that the bill did, by its language talking about revenues, appear to scope in user-generated content? Do you agree then, and will the government support the amendment that Senator Miville-Dechéne and I co-authored to make it absolutely crystal clear that user-generated content is not included?

• (1530)

Senator Dawson: I think the amendment as presented will be debated during this week, and you will be speaking about it later. It will be in the bill when it is sent to the House of Commons. I cannot presume — and I won't be here anymore — what the government will do with your amendment, but it was adopted by our committee. It will be adopted, I'm quite sure, by the chamber, and we'll see what happens after that. Trying to clarify what has already been clarified would be a little bit difficult to do.

Senator Housakos: I'm glad that Senator Simons recognizes the problem that I've highlighted, and she's absolutely right. Her amendment is one step forward, but it can be a lot clearer by simply saying, "platforms in, users out" — black and white, no ambiguity — and then hopefully the government will accept it.

Senator Dawson, the reason I have had a lot of success in the opposition in terms of fundraising and getting support on this bill is because hundreds of thousands of Canadians are concerned by it. That was reflected at committee. That's why I've been a little bit more aggressive than usual in fighting back on a piece of legislation. It's because hundreds of thousands of content creators in Canada feel their livelihoods are at risk.

Senator Dawson, my last question to you is the following: Would you agree that Canadian arts and culture have never seen more growth than in the last decade? Producers, writers, actors are busier in terms of work, money produced, revenue generated and Canadian content being spread around the world. Would you agree that's because of the digital web? Don't you think we should unleash that rather than try to reel it in to our broadcasting world, which has clearly been failing?

Senator Dawson: That growth in Canadian culture is based on legislation that was passed here, whether in 1991 or when we created the CRTC 50 years ago. We gave ourselves the structure. Yes, they are gatekeepers, and I know you don't like this word, but they are gatekeepers. If we have a culture —

[Translation]

I'm talking specifically about Quebec and francophones in Canada. If we didn't have cultural laws such as the Broadcasting Act, if we didn't have the CRTC and if we weren't passing this legislation today, our culture would be weakened.

We can't play by traditional rules because of all the changes in technology. We have to pass new legislation in order to adapt.

The amount of information received in English compared to French is completely disproportionate. We must ensure that francophone producers in particular, in Quebec and outside Quebec, are given the tools they need to protect their culture. This may not necessarily be a priority for you, but it has been for me as long as I've been here. It was when I was an MP, and it will be when I leave Parliament. I believe that culture must be defended through Parliament, through laws and structures that give Canadian cultural producers the opportunity not only to be protected, but to be supported so they can promote their objectives.

Hon. Julie Miville-Dechêne: I wanted to ask you a question about users who shouldn't be covered and platforms that should be covered by the bill. Isn't it true that users include content creators and also many Quebec musicians and artists who are promoted on YouTube by record labels? Those people are also covered by Bill C-11. We can't put all YouTube users in the same basket.

Senator Dawson: Those people, as you call them, support Bill C-11.

Senator Miville-Dechêne: That's right.

[English]

Hon. David Richards: Honourable senators, I have a good deal of problems with this bill. I think it's censorship passing as national inclusion. I'm not very savvy with the internet; I never have been. At 72 years old, I doubt if I ever will be, but I do know something about art, a little bit about creativity, so I'll read to that point.

Honourable colleagues, there is a certain essay by Cicero called *Philippic 2*, which was written to expose the power of the state against freedom of speech and freedom of thought — and the power of one man, Mark Antony. It is a brilliant proclamation, and it shows Cicero at his best and bravest. It was delivered in the Roman Senate, and Cicero paid for writing it with his life. His hands were cut off and taken to Mark Antony as proof that Cicero would never write again. Cicero lived in a dangerous time.

When Vasily Grossman completed *Life and Fate*, his grand novel about the Battle of Stalingrad, it had to be sanctioned by the cultural section of the Central Committee, the wise Soviet think tank of art and culture. They took a year to answer and said that it was anti-Soviet. They did not accept it for publication. It is published now and it is, of course, a wonderful book, showing fascism and communism to be mirror images of one another in depravity and contempt for human liberty.

There is a great scene in that book where an elderly babushka seeing a German youth coming out of the last pocket of German defence in January of 1943 is ready to yell and spit and curse him for what he has done to her people and, seeing a 19-year-old boy, a soldier of destiny, now terrified, starving and alone, she stops and says, "Okay, here then," and hands him a piece of bread.

Nothing in the book is more significant than that moment, for that moment shows it to be absolutely Russian and, for all mankind, absolutely universal that the way to fight such mechanized violence and hate is with simple compassion and forgiveness. That is something all too rare today in Canada and everywhere else.

I think, overall, we have lately become a land of scapegoaters and finger pointers, offering accusations and shame while believing we are a woke society. Cultural committees are based as much in bias and fear as in anything else. I've seen enough artistic committees to know that.

That what George Orwell says we must resist is a prison of self-censorship. This bill goes a long way to construct such a prison.

Aleksandr Solzhenitsyn's *In the First Circle* was smuggled away from the Soviet Bloc as well. One of the grand scenes in it is of a novelist, a favourite of Stalin, sitting down to write a novel and saying to himself, "I will now write the truth," but feeling in his mind Stalin's eyes upon him, he decides that he cannot and says, "The next novel will be the real one."

The idea of any hierarchical politico deciding what a man or woman is allowed to write to fit a proscribed national agenda is a horrid thing. I am wondering if anyone on the staff of our Minister of Canadian Heritage understands this. In Germany, it was called the National Ministry for Public Enlightenment, and every radio was run by Joseph Goebbels — complete ideological manipulation in the name of national purity.

No decree by the CRTC could, in any way, tell us what Canadian content should or should not be, or who should be allowed to bob their heads up out of the new murkiness we have created. Like Orwell's proclamation, the very bill suggests a platform that decrees, "All animals are equal, but some animals are more equal than others." And Bill C-11 certainly spells out who they might be.

I'm not speaking solely of the internet because I am too old to know it; however, this will bleed over into any performance we tend to create, and we will have government officials holding a book of rules telling us if we are Canadian enough or, worse, who can write what about whom.

I've faced that before. You see, I'm not Canadian enough; I never have been. I grew up in a place in the east of Canada called the Maritimes and have fought for every inch of soil in my fictional world that, for years, dismissed who I was and especially whom I wrote about. I did so without complaint, but I know who the gatekeepers are. They are still here, telling us in Bill C-11 that we have progressed, that we are more understanding and that our value system has evolved to be inclusive. This statement is a transparent endowment to those whose support they need and whom they desire to influence, but it is a terrible insult to the great writers in my country that I know.

This is not opening the gate to greatness but only to compliance. The writers I know don't need to advance to fit an agenda, and neither do the songwriters or bloggers. When this bill mentions how we have evolved, it is simply a suggestion to comply.

Some of those who have so evolved into the new Canada have torn away books and slashed many writers whom I have admired — an evolution of sanctimony and an advancement in quelling the voices we might disagree with. By this bill, we have entered the very realms we have fought to depose over the last 70 years. Bill C-11 might be more subtle than the German Stasi or the cultural section of the Central Committee of the former Soviet Union, but never think it is not intertwined.

The very bill suggests a favouritism brought forward by a notional knowledge of what Canada should be and what groups we are now allowed to blame.

• (1540)

It also suggests that there is no communication or interplay between writers of different ethnicities. That identity politics is positive because it teaches a bland society about new voices or about trauma which only certain people are allowed to say they know. It is a balkanization of freedom of expression; is so narrow-minded that it defeats the very thing it proposes and destroys the principle set forth by Terence over 2,000 years ago:

"I am human, I consider nothing human alien to me." That is, we understand because we identify, not because we are being taught a lesson.

One night, after my reading at Harbourfront Centre in Toronto, two people approached me. One was the great Irish writer Roddy Doyle, telling me he had long admired my work. The other was the First Nations writer Richard Wagamese, telling me he started writing because he was influenced by my work. Both were very kind, lived thousands of miles apart, one Irish and one First Nations. The writing had little to do with identity politics, but it did have much to do with identifying.

I do not know who would be able to tell me what Canadian content is and what it is not, but I know it won't be in the Minister of Heritage's power to ever tell me.

We have yet to make a great movie about hockey for God's sake, a great movie about Juno Beach, a great movie about Dieppe or a movie about the young Canadians fighting to death in Hong Kong. Our actors, singers and writers too have gone away — because they had to for too many in power have no knowledge about these things.

We have filled the world with our talent, but not because of the Minister of Heritage.

We have spread our books and movies across the world, but it is not because of some formula. We have insulted so many of our authors, singers, actors and painters by not paying attention to them, and then claiming them when they go somewhere else. They come back to get the Order of Canada and to be feted at Rideau Hall.

Drake is known worldwide not because of the Canadian Radio-television and Telecommunications Commission, or CRTC. Thank God Drake was not up to them, or Leonard Cohen or Gordon Lightfoot either.

You see, we have gone back to the age of Cicero without even knowing. In that age, scapegoating was considered a blessing and mob action against one person was considered justice. It was Christ actually who taught us that scapegoating was a great lie and pleaded with us by his death never to return to that state.

This law will be one of scapegoating all those who do not fit into what our bureaucrats think Canada should be. Stalin, again, will be looking over our shoulder when we write.

We have come such a long way from Cicero.

Thank you very much.

Senator Housakos: Will the senator take a question?

Senator Richards: Yes.

Senator Housakos: Senator Richards, we have heard time and again — and we heard it again from the sponsor of the bill today — how Canada needs to protect Canadian culture. Again, I've said this many times, I think Canadian culture has never been as strong as it is today. Our writers, producers, actors, singers — we've seen what modern-day platforms have done for people like The Weeknd, Justin Bieber and so many others.

Can you tell us what, if anything, is out there that requires legislation in the Parliament of Canada and the Government of Canada that needs to protect Canadian culture in 2023?

Senator Richards: Thank you for the question. I don't think very much can be in their hands because it reminds me of the story about a Czechoslovakian clown in Prague who did this little act and he was brilliant at it. He had a little cowboy hat, a lasso and he could slip through the lasso — he was an absolute magician. The state artistic community stopped him from doing that because it showed Western culture decadence. That is the kind of thing that, although extremely subtle in this bill — and I say is extremely subtle — still is an overlay toward Canadian culture that will undermine it, and that is why I spoke today on it.

There is no reason in the world why we need to do that.

[Translation]

Hon. René Cormier: Would Senator Richards take a question?

[English]

Senator Richards: Sure.

Senator Cormier: We're from the same province, right? I will speak in French. I don't know if this is a sign of the differences between us.

[Translation]

I'd like to better understand your last argument. You're familiar, as I am, with the New Brunswick artists who have big international careers, like Lisa LeBlanc, Les Hay Babies and David Myles. All these artists received public money, which helped them develop their art and ensure that, today, they can showcase their art anywhere in the world. What I understand from your last argument regarding this issue is that this aspect isn't necessary for art to develop in Canada.

[English]

Senator Richards: Senator Cormier, thank you for the question. They benefited because they were talented. They benefited because David Myles is an extremely talented songwriter and musician, and he is a dear friend of mine. They express themselves in a way that people love because they have talent and greatness, not because they're being feted by the CRTC.

I will try to be quick here about something about what I mean. There is a great scene in Tolstoy's *War and Peace* where Boris is sitting in the office of Prince Andrei and there is a lieutenant general sitting beside him who knows about the plans of

Napoleon, and yet Boris is asking first because he belongs to a culture of an inner circle. The lieutenant general, who actually knows what's going on, is left in the outer chamber.

Oftentimes, our artists who are really good, bright and brilliant are left in the outer chamber. They're not noticed because they haven't joined the group that facilitates money and power. That's what I'm worried about. It happened in Tolstoy's *War and Peace*, and it happens today to artists everywhere. I'm worried that this bill will further enhance that. That's my worry. Thank you.

[Translation]

Senator Cormier: I have a supplementary question for Senator Richards.

Senator Richards, like me, you sat on the committee and you heard the multitude of artists and artistic organizations that came to talk to us and who weren't afraid to express how they felt about the freedom of expression that Bill C-11 prevents them from having.

Explain to me why you have such a concern when the entire Canadian ecosystem at the professional artist level doesn't seem to have this concern. Are they simply misguided?

[English]

Senator Richards: They should be, senator. I'll tell you a story about this young Mi'kmaq girl that I helped in the university. The story has never been published. She was a little girl who was asked by her mother not to play in the woods because there had been a murder there. I won't tell you what reserve it is. She went down to the water and her mother said, "You cannot play in the water because a man drowned a woman there." She went on the street and her mother said, "You can't go on the street because there are too many people and too much danger." She could only find one place to sit. This was a seven-page story, and I had tears in my eyes when I read it because it reminded me of my own granddaughter. The only place she could sit was in the basement of her house in her bedroom, and it was there where her uncle had hung himself.

That story, written by a girl from a reserve near us, was absolutely moving, but it had nothing to do with identity politics. It had to do with identifying one human heart to the other. That is what I'm afraid this CRTC bill loses in the context of the bill. That's the reason. Thank you.

The Hon. the Speaker: I'm sorry, Senator Richards' time has expired. Do you want to ask a question, Senator Omidvar?

Hon. Ratna Omidvar: Please, if he will accept one.

The Hon. the Speaker: Senator Richards, are you asking for five more minutes?

• (1550)

Senator Richards: Yes.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Omidvar: Thank you, Senator Richards. As someone who is desperately trying to write a book, I look to you as a role model and as someone I admire a great deal.

On this particular question, you said that talent shines regardless of the walls that are put around it, and to some extent it is true. But I want to tell you about my very good friend Deepa Mehta, who is a renowned filmmaker who has brought Oscar privileges and light to our country through her filmmaking. She would never have been discovered if it had not been for the institutional support that surrounded her, gave her grants through Telefilm and promoted her films.

Are you suggesting that someone like her, and there are many other examples of what I would call “new Canada” — I think you hark back to “old Canada” — but do you not think that there are talented people who deserve to be discovered and that in this bill and other efforts the government does precisely that?

Senator Richards: Again, I come back to what I said before — that sooner or later talent will rise to the top. That’s all I’m saying.

Maybe I’m from “old Canada,” but I didn’t have a reading outside of New Brunswick until I wrote my fifth book. I didn’t get reviews that complimented my work until I was published in New York. So “old Canada” as it is, I struggled through all of that and I’m not one bit ashamed of it. I think a hundred other artists and poets and writers have done the same thing. We all reach our level in different ways. If the person you are talking about has reached her level in that way, that’s fine. But I don’t think the CRTC is a platform that will automatically ensure greatness of expression. As a matter of fact, I think it will probably do damage to greatness of expression.

[*Translation*]

Senator Miville-Dechêne: I rise to speak at third reading of Bill C-11, An Act to amend the Broadcasting Act.

Many things have been said about this bill over the months — before, during and after the review in committee. To some, Bill C-11 is absolutely necessary and should have been passed without amendment several months ago. To others, this is machiavellian legislation that jeopardizes the rights and freedoms of Canadians. I’d like to state from the outset what this bill does and what it doesn’t do.

[*English*]

First, the bill does not censor or restrict Canadians’ freedom of expression in any way. Once the bill is passed, all Canadian residents will continue to publish and consume all the cultural content they want, just as before. Whatever is available today will continue to be there. Anything you want to publish today can be published tomorrow. As such, nothing changes. With all due respect, those who denounce Bill C-11 as an evil act of censorship and infringement on our rights and freedoms are out to lunch.

What Bill C-11 does seek to do, however, is offer some support to our creators and, in particular, to Canadian creators in a minority situation. This support takes two forms: money and increased visibility. Under the bill, the major streaming platforms will have to contribute financially to Canadian culture and they will have to promote and recommend the works of our creators.

[*Translation*]

This bill is especially important to me as a Quebecer and particularly as a francophone because French is a minority language in a cultural ecosystem where discovery occurs first and foremost on foreign platforms where English is the dominant language.

Let’s be clear. Bill C-11 won’t provide a miracle solution. However, this bill with its rather imperfect regulatory tools constitutes a first step toward giving our creators a chance to make a name for themselves in the flood of global content.

Many unknowns remain, even after a lengthy study in committee. What specific criteria will determine what constitutes Canadian content? How will the visibility of Canadian content be measured? How can we promote Canadian content without making undue changes to the user experience? What does the word “discoverability” even mean? It is rather central to this bill, but it has yet to be defined. It will be up to the CRTC to answer these complex questions, which some people say will just open a can of worms.

Since Bill C-11 was introduced, some critics have found that the discoverability measures in particular constitute an inexcusable violation of consumer preferences and platform algorithms. I don’t see it that way. The market is not a god, and even in the internet age, it is still appropriate for countries to support their culture and defend their cultural sovereignty.

Despite the limitations of Bill C-11, I believe it is essential that Canada deploy legislative and regulatory tools to support its film, music and digital works in the context of globalization. Historically, Canada has taken the necessary steps to ensure that its cultures — particularly its minority cultures — have a voice, exist and are known and appreciated. Of course, with the evolution of technological platforms, it makes sense that our means of intervention should adapt, but the political and cultural imperative remains. Canadian culture, particularly minority and francophone culture, is not a commodity like any other.

I note, however, that Bill C-11 has shone a light on a generational conflict that we must consider. In Quebec in particular, nostalgic people praise the 65% francophone music quota on Quebec radio, which certainly allowed several generations, like mine, to get to know Quebec classics such as Robert Charlebois, Beau Dommage and Harmonium. However, younger people don’t listen to much radio or watch much TV anymore. They are on Spotify or YouTube and they value that freedom, which has increased their listening possibilities tenfold and opened new markets. These are real benefits that no one, even older people, would want to do without now.

The trade-off, however, is that young Quebecers no longer know their local artists, they listen to them less and less, so I’m worried about the sustainability of my culture.

This is a sensitive but crucial issue. We have to strike a balance between wanting to expose users to new Canadian cultural content while protecting their freedom and media consumption experience. I admit that is a major challenge.

In terms of legislation, the internet is still a new subject area that raises a number of issues. Bill C-11 is a first attempt at legislating in favour of Canadian culture, but it is certainly not the end of the line. There are bound to be mistakes and adjustments that have to be made as platforms evolve. This bill actually gives the CRTC a lot of flexibility.

As the committee wrapped up its study, some were still questioning the validity of Bill C-11, but what's the alternative? I think the status quo isn't viable for our creators, especially francophone creators. It is magical thinking to believe that market forces will miraculously enable Canada's francophone creators to survive and have an impact despite being a drop in the ocean. Right now, that francophone content is being drowned out.

When singer David Bussi eres appeared before the committee, he neatly summed up the situation as follows:

. . . the longer it takes, the greater the hegemonic effect of the Big Tech oligopoly in distancing audiences from local content. Our cultural identity is ultimately at stake, with all its diversity . . . and the fact that it is home to the only francophone communities in America.

During the study in committee, the senators from the Independent Senators Group, of which I am a member, got the 18 amendments that they moved adopted. Some of those were major amendments.

In my opinion, the most important amendment, which was prepared in cooperation with Senator Paula Simons, strikes to the heart of the debates on Bill C-11, namely, the scope of the exception for content generated by social media users.

The adopted amendment curbs the CRTC's discretionary power and basically limits the bill's application to professional music content. This further guarantees that YouTubers will not be targeted by Bill C-11, even if they generate revenue. This amendment also recognizes the fact that the world of cultural creation has changed. Individual creators have flooded social media with special content. They aren't subsidized. They don't have money. They manage on their own and they use their own business model. Our amendment helps to better maintain their autonomy.

I personally moved two other amendments, which were adopted. The first was in keeping with the recommendation of the Privacy Commissioner, Philippe Dufresne, who was of the opinion that Bill C-11 should better respect consumers' and creators' right to privacy. That is a significant addition given the considerable exchange of personal information resulting from the regulations.

• (1600)

The other amendment is the result of my long-standing commitment to protecting children from exposure to online pornography — or what is called adult content, which is regularly consumed by millions of children around the world — which causes obvious harm. The objective of Bill C-11 is to give the CRTC the power to regulate online platforms in the same way that it can regulate traditional broadcasters. The CRTC already has the ability to regulate access to sexually explicit content in traditional broadcasting, through cable or satellite, and my amendment only transfers that ability to online content.

The amendment reads as follows:

. . . online undertakings shall implement methods, such as age-verification methods, to prevent children from accessing programs on the Internet that are devoted to depicting, for a sexual purpose, explicit sexual activity;

This is simply a statement of principle. The regulations and consultations should be carried out before these age verifications go into effect. The objective is simple. We will apply to the internet precautions that exist in the physical world to protect children from adult content.

[English]

I will conclude with a few words about algorithms, which were discussed at length during our committee hearings. These algorithms are, in a way, the secret sauce that determines what content is recommended and put forward for a given user. I say "secret sauce," because we know almost nothing about these formulas which are closely guarded by the platforms. These algorithms incorporate several variables and data with the goal of attracting and retaining users for as long as possible. Yet, for some, these algorithms are not only confidential but sacrosanct — any attempt to intervene in favour of Canadian content thus constitutes a form of crime against the free market.

Here is what Brock University Professor Blayne Haggart told the committee about algorithms:

Algorithms become one of those magic and scary words that intimidate people, but all they really are is a set of rules that are repeated over and over again. . . . It is a form of regulation.

These privatized discoverability regulations are not designed simply to surface the most popular content or the content that you, the viewer, or reader, are most interested in. These companies do not just tell us what content is popular; they define what popular means. They already create winners and losers and they define popular to fit their own interests, however they decide to define them.

Personally, between private and opaque discoverability rules and public and transparent discoverability norms, I prefer the latter. That being said, I have no doubt that the platforms will adapt intelligently to the new requirements, and that they will continue to offer their Canadian users the content they like and are looking for, in addition to showcasing our creators.

Of course, this is not about censoring anything, or limiting access or distribution of any content. And it's certainly not about destroying the engaging, modern platforms that we all use every day. It is about updating our means to implement our essential cultural policy. I simply do not see why a country like Canada should accept that private, foreign platforms be the only ones to decide what priority to give to Canadian, Quebec and Indigenous culture.

Adapting our policies and laws to the evolution of technology is not easy. Acting always involves risks. It is always easier to wait or to do nothing. But in this case, as in others, I believe that inaction would be fatal, and that boldness is necessary.

[Translation]

In conclusion, I will resolutely vote in favour of Bill C-11. Thank you.

[English]

Senator Housakos: Will Senator Miville-Dechêne take a question, please?

Senator Miville-Dechêne said that algorithms, in essence, equate to regulation, and it is the furthest thing from the truth. Algorithms, as they're being used by platforms, are a form of computation. What algorithms do is they follow our habits, and they push up — on their algorithm system — what we want to see.

Regulation is quite the contrary. Regulation is where a group of gatekeepers — a word that is popular these days — be it the CRTC or government legislators, will determine what should be prioritized. That's very different — algorithm compared to regulation.

[Translation]

Senator Miville-Dechêne: I completely disagree with you.

Neither you nor I have the formula for the algorithms on the platforms. You say that it's the most popular content that's promoted. Frankly, senator, we know nothing about that. For example, is there an agreement with an advertising company that would ask to promote a certain singer or a certain product? We don't know.

You don't know the algorithms. I don't know them either. It is a private company that decides what is going to be promoted. In our culture, in our cultural policies, we have thus far given subsidies to Canadian companies. We have asked broadcasters to broadcast Canadian culture. This isn't about censorship here, as I've mentioned several times. These private companies simply need to leave some room for our Canadian culture. The algorithms certainly don't provide this freedom that you talk about, which allows only the best to be promoted.

[English]

Hon. Marty Klyne: Good for you.

The Hon. the Speaker pro tempore: Senator Housakos, do you have further questions?

[Senator Miville-Dechêne]

[Translation]

Senator Miville-Dechêne, are you asking for five more minutes?

Senator Miville-Dechêne: Of course.

The Hon. the Speaker pro tempore: Is it agreed, honourable senators?

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: Senator Housakos, you have the floor.

[English]

Senator Housakos: We all know how algorithms work. Today, if you own an iPad, a smart phone, any time you Google a particular theme, colleagues, I think you realize over the minutes that follow that you get inundated with other information regarding the topic matter that interests you. That's how algorithms work.

If you look at all these platforms, the reason why they have been successful — and we want a piece of that success compared to our old broadcasters — is because these platforms are giving consumers what they want.

Again, I think it is very dishonest when we say — with this legislation — that somehow the algorithm platforms are already manipulated in a certain way. This legislation is calling for the manipulation of these algorithms. We have had the former chair of the CRTC come before committee, and he said it himself that he has the authority and the power to force platforms to manipulate the algorithms.

The question is there. It is crystal white. You might not like it, senator, but it is there.

If Senator Miville-Dechêne would like to answer the question.

[Translation]

Senator Miville-Dechêne: Let me start again. Unlike you, I don't have absolute faith in the free market. Simply promoting a given song, for whatever reason, doesn't mean it's normal for that song to always top the others. I think the beauty of our Canadian cultural laws and regulations is that they showcase different Canadian cultural products.

This idea of putting forward a song, whether it's American, British or Pakistani — I understand that you think that's what works. You like the free market system. You are happy that the most popular ones are basically the only ones that get any play. However, that greatly reduces cultural diversity. Don't forget that less than 5% of the songs that Quebecers listen to on Spotify are from Quebec artists. We got to that point because people can't find these songs — they are tucked away at the back of the closet, as we say. Sometimes, young Quebecers should hear a song and say to themselves: "Oh, look at that! Here is a song by a Quebec artist. I should listen to it." The idea behind this isn't to force someone to listen to certain content, but to offer content. That's the difference.

• (1610)

A system that suggests songs based on an algorithm has nothing to do with our cultural diversity or Canadian culture. It's a commercial, for-profit system, and foreign companies are currently controlling our cultural consumption.

Senator Housakos: Senator, on the contrary, I'm the one in favour of diversity and you're the one prepared to settle for less. Here's my question: Why do you have so little faith in Canadians' choices?

In the current system, they're the ones making decisions about diversity, about what's popular and what they want to see. You're putting a lot of faith in CRTC bureaucrats. I myself choose to side with Canadians who will make their own choices independently. Why are you afraid of that? Why do you want to let the CRTC make those choices?

Senator Miville-Dechêne: Senator Housakos, I'm not denying that the platforms give us a great deal of choice and that we can listen to a lot more cultural products from outside Canada. I'm someone who really enjoys this diversity.

The problem is that Canadian cultural products are not being seen. They're hidden, especially products from minority groups, whether it's francophone minorities or Indigenous minorities, because it's all about clicks — not only clicks, but clicks are part of it.

Yes, I have faith in Canadians, but Canada is sparsely populated and has always relied on cultural policies for its culture to survive and flourish. It's nothing to be ashamed of, and many countries do the same thing. We are not the United States, of course. We are a smaller culture that has the right to survive. Every country has the right to promote its culture. That's part of the cultural exemptions in free trade agreements.

[*English*]

Hon. Donna Dasko: Honourable senators, I am pleased to stand today to speak to Bill C-11, the online streaming act, at third reading.

Our chamber and our committee have been working on this bill and its predecessor for close to two years. Introduced into our chamber in the Forty-third Parliament as Bill C-10, it died on the Order Paper in the fall of 2021 and came back to us last spring as Bill C-11.

As our Senate Transport and Communications Committee began pre-study work last June, many of us, including me, were concerned that the government's apparent desire to pass the bill urgently might result in a truncated study process. Thankfully,

that did not happen. I am grateful to everyone involved for that — to committee members for pressing hard for a serious study, and to the government representative for carrying through on his promise of a fulsome review.

We certainly had a fulsome review. Our work on the bill was as thorough as anyone could hope for. The committee held 31 meetings, heard from 138 witnesses and received 67 briefs on Bill C-11. Our witnesses included experts, government officials from several ministries, current and former chairs of the CRTC and stakeholders from across the industry, including broadcasters, digital creators, platforms, arts and cultural representatives, unions and representatives from diverse communities.

Nine committee meetings were held to conduct clause-by-clause consideration. We are told that this is a record number of such meetings ever held in the Senate. A total of 73 amendments were presented at committee and 26 were adopted. Amendments were passed covering a wide range of topics, including community broadcasting, privacy protection, Black and racialized producers, Indigenous producers, disinformation, user-generated content, independent producers, Canadian content, French-language programming, innovation, audience recognition and CRTC processes such as requirements for hearings and reporting.

The most prominent issues in Bill C-11 that received the most attention focused on the regulation of user content and the potential intrusion into viewer or listener choices if algorithms were altered for the purpose of Canadian content discoverability. But there was so much more in this bill. The challenge of Bill C-11 for me was that almost every time I studied it, I found new issues that I felt needed to be addressed.

Let me provide some examples. Rather late in the process, I came to the realization that nowhere in the bill was there a recognition of audience interests and preferences. What Canadians wanted to see and wanted to listen to was not considered to be an element of our broadcast system. As former CRTC chair Konrad von Finckenstein pointed out, audience interests and preferences were simply not recognized as part of Canadian broadcasting, and they were never recognized in our broadcasting acts since the beginning of broadcast legislation.

Our history of broadcast legislation in Canada is about cultural priorities, cultural protection and producers — who they are and what they should or can produce. But how could it be that we have built a broadcast system without considering viewers and listeners as one of the integral parts of our system? It's like having a transportation system without thinking about passengers. How can we have such a system? Who is our system for? How can we not include these people in our system?

In the end, the committee voted to accept my amendment to Bill C-11 that says that the broadcasting system must, as one of its objectives, reflect and be responsive to audience preferences and interests. In a similar vein, I was pleased that the committee also voted to recognize that innovation, specifically promoting

innovation, should be a guiding principle of our broadcasting system — I'm thinking especially of my colleague Senator Deacon. That, too, had never been recognized in broadcast legislation. Imagine that: We're talking about an area where there is huge technological change, and yet we had not considered that innovation should be considered a principle of our system.

Another example of how the bill revealed issues involved the very short, innocuous-looking clause 7(7) in Bill C-11, which began with the phrase, "for greater certainty." This clause was easily overlooked. However, witnesses came before us and sent briefings with comments that, in their view, this was the most consequential clause in the whole bill. In contrast to existing law, which gave cabinet the power to direct the CRTC in broad policy matters, it was argued that clause 7(7) would give cabinet the power to give very specific and detailed direction to the CRTC and possibly create a two-tiered system whereby those with sufficient resources would have special access to the government to make their case.

This clause proved especially vexing for us to analyze because government officials argued that the clause would have almost no impact. There was major impact on the one hand, versus no impact at all on the other, so you can see how challenging it was to actually analyze this clause. In the end, the committee voted to remove clause 7(7). I think my colleague Senator Simons is going to talk more about this.

• (1620)

Bill C-11 was filled with issues like these that were not always apparent and yet proved to be extremely important.

With 31 committee meetings, 73 amendments presented and 26 accepted, it's clear that committee members devoted much thought and effort to this work. Sober second thought was clearly achieved.

One of government's most important roles is to respond appropriately to technological change. As radio and television technology developed as global technologies in the last century, Canadians understood that our closeness to the United States, our smaller population and the existence of two official languages would ultimately mean that Canadian voices would be lost unless we took special measures. Thus, a public broadcaster was created in 1932, and the first Canadian content regulations were legislated in 1958.

As consumer choice greatly expanded via private television networks in the 1960s, cable distribution in the 1970s and satellite in the 1980s, each of these new technologies came to be regulated under a regulatory framework, adjusted each time, while keeping fairly true to the original objectives.

The assumptions behind Bill C-11 are thus familiar. Canadian culture still needs protection, our broadcasting system is built on Canadian requirements and, therefore, the new online streaming services and technologies should also be brought under

our regulatory framework. After rejecting regulation of internet broadcasting twice, in 1999 and 2009, with the rationale that tech innovation in broadcasting had to be encouraged, the government has now decided that regulation is needed.

Does Canadian culture still need to be protected from outside influences? That is a very difficult question to answer. I recently came upon an Environics Institute poll from last September, which shows that Canadians themselves are divided on that question, with 44% saying that Canadian culture needs more protection from outside influences and 47% saying we need to be more open to outside influences. However, the public is more supportive of creating a so-called level playing field, with two thirds of Canadians in a Nanos poll last May saying they support the idea that steaming services should financially contribute to creating Canadian content just like Canadian broadcasters do.

When it comes to regulating new technologies, however, we cannot assume that just because the technologies of the past were brought under this framework necessarily means that this effort will be a success. For me, that is the real conundrum of Bill C-11. Even though we have studied the thing to death, called superb witnesses and made many fine amendments, in the end, we don't know whether this approach will work or work well. Will Canadian production increase and will diverse voices thrive, as we have heard from Senator Dawson and as has been promised, including the voices of digital creators who have expressed such concerns, or will innovation and the innovators, and new services and new technologies, be stifled by these rules?

The fact that these questions cannot be answered is not the fault of the legislation. These questions cannot be answered because we cannot predict the future. We here have done our work as best as we can and we have asked all the questions we can, but Bill C-11 represents a leap. We must take the leap or not. Each of us must judge for ourselves.

Thank you.

Senator Simons: Honourable senators, because I have spoken at some length and at several opportunities about this bill and its precursor, Bill C-10, I will not dwell on my philosophical concerns about the purpose and nature of internet regulation. Today, I instead want to home in very specifically on some of the critical amendments we made to this bill in committee.

As you have heard, we heard from more than 130 witnesses and had hours of often-impassioned debate. What we have before us today is not the original Bill C-11 first introduced in the other place and not the bill that was sent to us as amended by our other place colleagues. What we have before us today is a significantly improved bill as amended by our committee. It includes important amendments that make the bill clearer, that stress the importance of freedom of speech and freedom of audience choice, that celebrate and bolster Canada's cultural diversity and ones that ensure that Canadians and Canadian artists who post user-generated content to social media are not captured by the legislation.

We heard from academic and legal experts; from media corporations, large and small, foreign and domestic; and from brilliant artists and creators who are using online platforms in bold and experimental ways to tell their unique stories and share their unique visions.

We heard and we responded.

Senator Dasko successfully championed amendments that underlined the vital importance of innovation, including technical innovation, to Canada's broadcast system. This was a welcome amendment, because it signalled that we don't want a broadcast system that is frozen in amber but one that is responsive to technological and social change.

[*Translation*]

Senator Miville-Dechéne successfully proposed an amendment based on the advice of the Privacy Commissioner of Canada. This amendment seeks to protect the privacy of consumers and creators, ensuring that social media companies cannot exploit their personal information.

Senator Cormier defended amendments seeking to highlight the importance of protecting official language minority broadcasters and an essential amendment reaffirming the importance of independent producers in Canada.

Senator Clement also successfully pushed for an amendment to recognize the unique needs of Indigenous, Black and racialized groups.

[*English*]

Senator Wallin won our support for an amendment that underlined the importance of freedom of expression and journalistic independence. Senator Batters successfully championed an amendment that helped clarify the definitions around "community broadcasting" and the way community broadcast boards are structured. I worked in tandem with Senator Dasko to push through an amendment that relieved community broadcasters of a unique responsibility to fight disinformation.

Senators Quinn and Cormier gave us amendments to require greater transparency from the CRTC and its reporting, and Senator Downe succeeded in having us adopt an amendment to prevent the CBC from running advertorial — what's sometimes known in the industry as native advertising or sponsored content — advertising that creates the illusion of being journalistic content when it's actually a cleverly disguised commercial.

These were among the amendments that I believe make Bill C-11 a better bill.

But there were also two other key amendments I wish to discuss at further length today. As mentioned by Senator Dasko, the first involves the change to subclause 7(7). Several expert witnesses, including Monica Auer, Executive Director of the Forum for Research Policy in Communications; Robert

Armstrong, a broadcasting consultant, economist and former CRTC manager; and Ian Scott, who was, at the time, head of the CRTC, testified before our committee about their concerns that subclause 7(7) of the bill could give new and unprecedented powers to cabinet to intervene in independent CRTC decisions. As Dr. Armstrong put it in his testimony before us:

In this sense, Bill C-11 reduces enormously — potentially — the powers that the CRTC has and hands them over to the Government of Canada. . . .

He continued:

If you look in detail at what the government is giving itself through this particular clause, it's giving itself a whole series of very detailed opportunities to, in my view, interfere with the normal functioning of the CRTC. . . .

In the face of those concerns, raised by multiple independent experts, we agreed as a committee to completely delete subclause 7(7) in its entirety and to maintain the CRTC's independence from the potential for government micromanagement.

But I think the biggest and most critical amendment we made was to a vexing part of the bill, subclause 4.2(2), which I like to call the "exception to the exception" clause. In the wake of some of the controversy around Bill C-10, the Minister of Canadian Heritage promised that Bill C-11 would not pertain to nor capture users of social media but only big streamers who were analogous to traditional broadcasters. Indeed, that is what clause 4.1 (1) of the bill says — that the act does not apply to a program that is uploaded to a social media service by a user of that service.

• (1630)

Unfortunately, clause 4.2 (2) of the bill, as it came to our committee, undid that assurance by giving the CRTC the power to scope in a program uploaded to a social media service if it directly or indirectly generates revenues. That exception-to-the-exception clause rightly worried all kinds of small and not-so-small independent producers who use services such as YouTube and TikTok to distribute their programming, though they retain the copyright.

At the same time, the government insisted it couldn't simply exempt all social media platforms from Bill C-11 because some large commercial broadcasters and large record labels were using services such as YouTube and Facebook to release or re-release commercial content. If we exempted social media entirely, we were told, it would give YouTube an unfair market advantage over a music streaming service such as Spotify or Amazon's Prime Video when it came to the release of music by major record labels. It could also allow commercial broadcasters to do an end run around Canadian content, or CanCon, rules and regulations that they would potentially be subject to on other platforms.

So after extensive consultation with a wide variety of francophone and anglophone stakeholders and legal experts from music producers to digital creators to academics, Senator Miville-Dechéne and I, at our offices, came up with an

amendment that we believe — and that the majority of our committee members believe — will help to address this knotty problem.

Our amendment to clause 4.2 (2) removes all mention of revenues, whether direct or indirect. Instead, it focuses on whether or not a piece of content has already been broadcast on a conventional commercial service and/or whether it has a unique identifier number that is assigned to commercial recordings. In other words, our amendment would mean that if a broadcaster such as Rogers or CBC reposted a baseball game or a news documentary to YouTube or Facebook, such a rebroadcast would still be captured by the provisions of Bill C-11.

Our amendment would also ensure that if a major record label such as Sony released a new single or album on YouTube, that posting would be treated in a way that was akin to the release of a song on Spotify, Amazon or TIDAL. At the same time, digital creators, including commercially successful ones, would be properly and clearly exempted from Bill C-11 even if they uploaded their comedy, music, animation, film or TV episodes to YouTube, TikTok, Instagram or some other social media platform we cannot yet predict or imagine.

In other words, my friends, the bill now says, “platforms in, users out.”

I’m sorry that not everybody is here to hear me say those words, but it says, “platforms in, users out.” Is it sexy? Well, my idea of what’s sexy may not be your idea of what’s sexy, but I think Senator Miville-Dechéne and I have given a very nice workaround to a problem.

Is it a perfect solution? Well, no, it probably isn’t. Public policy perfection is hard to come by at the best of times and even more so when you have so many competing cultural, social, economic and political interests at play. But I believe — and I think our committee, in balance, believes — that this is a workable compromise — one that the government should not just accept but embrace.

As you will doubtless recall, I have been quite critical of Bill C-11 since its inception and somewhat dubious of any government’s capacity or obligation to curate what Canadians can see and hear. There are still things in this bill that I believe to be philosophically wrong-headed, but to compare this bill to the draconian regimes of Hitler and Stalin is a grievous insult to the memories of all who suffered and died at their hands, including members of my family. However, I believe that our committee’s amendments have made substantive and substantial improvements to the legislation and address several of its deepest flaws.

Thus today, colleagues, I commend our revised version of Bill C-11 to you. I invite you to accept it as amended and, in so doing, to send to the government the clear message that it is this bill — as amended — that has earned your support. Thank you. *Hiy hiy.*

Some Hon. Senators: Hear, hear.

Hon. Colin Deacon: Honourable senators, I rise today — with substantial trepidation, given the speakers that I’m following — to speak on Bill C-11, the online streaming act. I would first like to commend our colleagues on the Senate Transport and Communications Committee, who navigated through often competing amendments to meaningfully improve the bill that arrived in the chamber. The diligence that they demonstrated really reinforced the role of the Senate as the chamber of sober second thought.

I have thought a little bit about the fact that maybe we could consider a thorough review process in future and learn some lessons from this process as to how not to have it be quite so arduous, long and drawn-out. Nonetheless, I think our chamber has done tremendous work on this bill.

I want to focus my remarks on two points as these resulting amendments are considered both here and in the other place, as regulations are developed to implement the final legislation, and on the drafting of future legislation intended to improve the prosperity of Canadians as we rapidly evolve in this global digital economy.

First, let’s ensure that we are enabling both incumbents and new entrants, be they individual creators or companies, to earn increasing amounts of recurring revenue for the purposes of creating sustained wealth and prosperity for Canadians. The principle needs to be that we are focusing on Canadian intellectual property and exploiting that globally.

Second, let’s begin to develop some regulatory agility as we enable Canadian companies and innovators — in this case, those in the audiovisual and creative sectors. Let’s make sure that they can become increasingly globally competitive as technologies and business models continue to evolve from today.

I do not have a magic bullet that will offer instant, simplistic solutions — like a great little line I heard a few times a moment ago. But I am absolutely certain that focusing on these two priorities will help to ultimately uncover important and actionable opportunities that will benefit Canadians over time.

Let me speak to my first point, and that is the need to intensely focus on creating the conditions necessary to generate recurring revenue from Canadian-owned intellectual property. One of the objectives of this bill is to “serve the needs and interests of all Canadians . . .” through “its programming and the employment opportunities . . .”

In my second reading speech on the previous iteration of this bill — Bill C-10 in the last Parliament — I asked the Transport Committee to consider how we can ensure that our regulatory frameworks and other policy tools ultimately incentivize the creation of content and assets that generate recurring revenue for Canadians. Colleagues, you’ve heard me speak in this chamber about the importance of commercializing intellectual property here in Canada. If we want to turn our knowledge and creativity into jobs, opportunities and prosperity, a top priority must be to own in Canada and globally commercialize from Canada the highly creative assets that are globally competitive. If we do not succeed, we risk becoming a branch-plant economy where we just rent Canadian talent to foreign entities. As a result, our talent is paid only once to create high-value assets that generate

recurring revenues for others instead of paying Canadian talent to create Canadian-owned assets that generate recurring income for Canadians into the future.

This challenge was echoed by several witnesses in the committee during the study of the bill. Michael MacMillan, co-founder and CEO of Blue Ant Media, said:

My firm view is that an “eligible Canadian program” is a program produced by Canadians. . . . where the copyright and the use right are owned by Canadians?

• (1640)

Mr. Justin Rebelo, Director at the Canadian Association of Film Distributors & Exporters, also added that, “It is important that Canada does not become a solely service production industry and our system protects ownership”

Similarly, Howard Law, former director of local media unions at Unifor, wrote in a blog post that:

. . . unless independent Canadian producers retain full rights to exploit and profit from their best creations . . . they will become CanCon sub-contractors in their own land

This is a daunting risk and a crucial priority. That’s why I’m pleased to see an amendment in the bill that directs the CRTC to consider, in the regulatory development process, whether Canadians would benefit fairly from the use of Canadian programs, including copyright and other rights. This provision could provide regulators with an opportunity to apply a pro-competitive lens in the development of regulations to ensure that anti-competitive practices are considered and managed, including in licensing and distribution deals.

As a related point, it is very promising that the new CRTC chair has a strong background in competition law and policy and in fighting for pro-competitive markets. Ms. Vicky Eatrides has committed to growing the CRTC’s capacity to manage its responsibilities in an increasingly dynamic digital landscape and to applying her pro-competitive background at the CRTC. I’m hopeful that her presence also signals that there will be increased coordination between the CRTC, the Office of the Privacy Commissioner and the Competition Bureau, something that is already delivering benefits in other jurisdictions.

I won’t lament the fact that these changes are long overdue. I will just offer that any further delays will hand this new chair even greater challenges than she faces today. I wish Ms. Eatrides success as she strives to unlock the tremendous social and economic opportunities that reside in this sector for Canadians.

Now to my second point: We must be willing to iterate if we are to compete in a rapidly evolving global digital economy.

When the bill was reintroduced in revised form this session, the policy objective seemed clear. The government sought to continue its intentional strategy to protect Canadian cultural sovereignty within our broadcasting system, but now including the online sphere.

As the bill progressed, however, this objective was challenged. Many concerns were raised about this legislation by different stakeholders in the creative and audiovisual sectors, including online content creators. Many of these concerns look to have been addressed through amendments. Only time will tell their fate once they get sent back to the other place.

Industries globally must constantly innovate if they are to compete in an increasingly digitally porous world. In this global context, government needs to be a catalyst, empowering the innovation that will drive long-term competitiveness. While some progress has been made, Canada is well behind her peers in legislative and regulatory modernization and in the development of pro-competitive policies. Sadly, we have an abundance of 30-year-old legislation that requires updating.

Given this context, it is ironic that this legislation aims to incorporate new online innovations into a regulatory system that is burdened by a broadcast legacy. For example, the rapid shift towards direct-to-consumer content delivery models has revolutionized business models and forced traditional broadcasters to adapt in order to stay competitive.

Consequently, this bill is attempting to bring the disruptors into a legacy regulatory system full of those who were disrupted. This was an odd choice when compared to building an agile system that is fit for the digital era.

In fact, leading experts such as Michael Geist, Professor and Canada Research Chair in Internet and E-Commerce Law at the University of Ottawa, shares the view that using policy instruments like broadcasting regulations for online streaming and undertakings should be the exception, not the rule.

Nevertheless, I am glad to see an amendment that will require the CRTC to ensure that our broadcasting system will promote innovation and adapt to technological changes. In this regard, it is my hope that officials can look to best-in-class global standards as models to strengthen the agility of new regulations in our broadcasting system so that we keep up and, perhaps, at some point, start to lead in the world.

Even so, creating a modern broadcasting system that will “serve the needs and interests of . . . Canadians” — a primary objective of this bill — and does so in this rapidly evolving digital era requires swift action not only in modernizing our regulatory system but also in incentivizing market-based approaches that enable Canadian incumbents and new entrants to thrive in both domestic and global creative markets.

Some of these incentives are already in place. For example, federal and provincial tax credits have made Canada an attractive destination for film and TV production. As a result, some Canadian creators — including BIPOC filmmakers — have benefitted from these program supports. However, these supply-side incentives also need to be coupled with actions to stimulate increased demand for Canadian content in these sectors, both domestically and globally. Slow action on this means we risk losing more innovative production companies like Tangent Animation, a Canadian-owned animation studio based in Toronto and Winnipeg that unexpectedly shut down in 2021, leaving about 400 people out of jobs.

Colleagues, our country is at a critical juncture. We must find ways to become the disruptors, not the disrupted. The CRTC has a lot of work to do so we have the conditions for creators to earn recurring revenues and to build a culture that is agile enough to take advantage of changes globally and not be disrupted by them.

We all want an independent, thriving, competitive audiovisual and creative industry that helps to secure our collective prosperity for future generations to come. I support this amended bill as a step in that journey down this all-important road.

Thank you, colleagues.

Hon. Fabian Manning: Honourable senators, I rise today to propose an amendment to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts. This bill has been amended at committee, but I still think there is plenty of room for improvement.

An Hon. Senator: Hear, hear.

Senator Manning: A principal issue related to this bill is the question of to whom this legislation would apply.

The government has repeatedly stated that there is no intent to apply this legislation to small players. Yet, there are no boundaries in the legislation to ensure that that intention is respected and this does not happen.

The Senate Transport and Communications Committee heard from numerous witnesses who clearly stated that the bill had to incorporate a revenue threshold in order to ensure that the legislation focuses on services that are truly of consequence in the digital marketplace, rather than capturing user-generated content.

Tim Denton, Chair of the Internet Society Canada Chapter, said that any online service that earns less than \$150 million in Canada annually should be excluded from the act and “. . . from any regulation or obligation to contribute to Canadian content production”

As it stands now, it may surprise many of you to learn that neither charities nor religious organizations are exempt from regulation under this legislation, and proposed subclause 2(2.3) does not shelter the online activities of individuals, whether professional or amateur.

I know that some colleagues believe and will argue that social media is now exempt based on the amendment from our colleague Senator Miville-Dechene adopted at committee. However, I, and many stakeholders, are still of the mind that this amendment doesn't go far enough because of the wide discretionary power it still affords the CRTC in deciding what is or isn't scoped into this legislation.

As Mr. Denton said, social media platforms are far from the only places on the internet where entities and individuals may transmit audio or audiovisual content. Individual and community websites abound with such content. Neither subclause 2(2.3) nor clause 4.1 addresses the much broader regulatory reach of Bill C-11.

Konrad von Finckenstein, former chair of the CRTC, addressed another aspect of this. He noted that vesting in the commission such large powers with such vague parameters will prove extremely onerous for the CRTC. Every single stakeholder will come forward with specific requests for exemptions of conditions and argue they fall within the vast powers given to the CRTC.

Mr. von Finckenstein said that one cannot forget that the CRTC is a court of record that identifies issues, either on its own or via petitions; seeks input from affected parties and stakeholders; holds hearings, live or on paper; and then issues a decision.

All that has to be done in accordance with due process and can be judicially appealed.

Consequently, narrowing the powers will allow the CRTC to make good, timely and targeted decisions. The goal, of course, is to protect and strengthen Canadian broadcasting and foster Canadian production. Hence, the legislation should target only large streamers who can meaningfully compete with established broadcasters.

• (1650)

Isn't that what the government keeps telling us is the point of this legislation? To target streamers who behave like broadcasters?

Small innovative internet players should be able to give their innovative drives full rein to contribute to the overall productivity of the Canadian economy.

Professor Michael Geist also told our committee:

I believe there is a clear need for thresholds and limitations in the legislation itself. Without it, services may regard the regulatory uncertainty — which the House committee heard will take years to sort out — to block Canada, leading to less choice and higher consumer costs.

This aspect is key. The full ramifications of this bill will take years to sort out as the CRTC goes through its regulatory processes. That means years of uncertainty for smaller players. It is that uncertainty they cannot afford.

Here I would like to quote Matthew Hatfield, the Campaigns Director of OpenMedia, who said, “It’s nonsensical for Bill C-11 to place obligations on platforms with a few thousand Canadian subscribers”

He also said:

It would be a very cruel consequence of this bill for diasporic Canadian communities to be cut off from the invaluable cultural lifeline provided by foreign streaming services.

Colleagues, I cannot stress enough how vital it is that we recognize the uncertainty this is creating for ordinary players. As Monica Auer, Executive Director of Forum for Research and Policy in Communications, told our committee, “. . . Bill C-11 is not coherent and not readily understood.”

The bill leaves creators guessing, and we should not be putting them in that position.

I would also like to reference what smaller creators told our committee, specifically Justin Tomchuk, an independent filmmaker who told our committee on September 27 that Bill C-11, as currently drafted:

. . . makes it clear that my business will fall under the call of the CRTC’s directives, as I derive direct and indirect income through my artistic efforts.

Scott Benzie, Managing Director of Digital First Canada, told the committee on September 28:

Our ask is simple: [The bill] needs clarity into what is in and what is out, because it currently includes the entire internet. Something this critical cannot be left to the CRTC to wade through.

Morghan Fortier, Co-Owner and Chief Executive Officer of Skyship Entertainment, said:

What keeps me up at night about this bill is the potential to gate content that is deemed not Canadian, either entering into the country or within the country. With retaliation from other countries, should this type of a law pass through, we’re done. I don’t mean my company. I mean we don’t need to talk about this bill anymore because it’s over. That will affect regionalized content creators, small content creators and larger content creators.

Frédéric Bastien Forrest, animator and content creator, told our committee on October 4:

My take on this is that it is scary. We have the feeling that the politicians behind this law are well intentioned and they want to promote our culture, which is great, but the side effects of the law could break stuff.

Oorbee Roy, content creator and skateboarder, also expressed her fears about how a small undertaking like hers could be impacted by CRTC regulation. She noted the arduous process that she and other creators face in registering their material as Canadian content.

I know that some senators will say that the Canadian content provisions were amended in committee. However, colleagues, there is no guarantee that that particular amendment will be accepted by the government. I submit that we need this very modest amendment I am proposing, and that the government will have difficulty saying “no” to it.

At committee, the government majority rejected the threshold of \$150 million proposed by Mr. Denton. We were told by government officials that with a \$150 million threshold some platforms, such as CBC Gem, might be excluded from regulation. But the committee then went on to reject the \$100 million threshold proposed by Mr. von Finkenstein, and then it inexplicably rejected even lower thresholds of \$50 million and \$25 million.

So, colleagues, what I am proposing today is a threshold that would truly only exempt the very smallest of players. This threshold of \$10 million is one fifteenth the amount recommended by Mr. Denton and the Internet Society, and one tenth the amount recommended by Mr. von Finkenstein.

Colleagues, I believe we have an obligation to respond to what an overwhelming number of witnesses have told us. The “just trust us” approach is bringing little comfort to the Canadians whose livelihoods depend on whether they will be subject to regulation as a result of this bill.

I hope you will support this amendment to establish greater certainty for ordinary Canadians.

MOTION IN AMENDMENT NEGATIVED

Hon. Fabian Manning: Therefore, honourable senators, in amendment, I move:

That Bill C-11, as amended, be not now read a third time, but that it be further amended in clause 4 (as amended by the decision of the Senate on December 14, 2022), on page 10, by adding the following after line 32:

“(4) The regulations shall not prescribe a program of a broadcasting undertaking that generates annual revenues of less than \$10 million.”

[*Translation*]

Hon. Julie Miville-Dechêne: Would Senator Manning accept a question?

Senator Manning: Yes.

Senator Miville-Dechêne: I am a bit surprised by your proposal because the reason Bill C-11 is so vague on some very specific issues is that the internet is constantly changing. The \$10-million threshold is not particularly low, but we have no way of knowing how the internet will change in the future and who will become a major broadcaster in the Canadian context.

How did you come up with this \$10-million threshold? Is it really a good idea to include this factor in the bill rather than allow the market to determine it? Again, you will say this is a matter for the CRTC, which already has a lot to rule on.

Senator Manning: Thank you very much.

[*English*]

I don't pretend to be an expert in all of this, senator, but I am an avid listener, and I listened to many people who came before the committee.

You're a bit surprised that I came forward with this; I'm a bit surprised that we're not talking about any threshold. To go back to Oorbee Roy, the single mom who was facing all kinds of financial issues, found a home on the internet through skateboarding videos and took herself out of poverty, she told us. She established a home for her two children — I believe it was two children, if memory serves me correctly — thanks to the opportunities she had through that process.

• (1700)

I don't think for a moment that Oorbee Roy is going to become a national broadcaster. I don't think for a moment that the CBC or CTV are going to have to worry about Oorbee Roy.

What I do worry about is people such as Oorbee Roy who found a way to take herself out of poverty through the internet. She is in great fear now; not only her, but several others came forward to our committee and expressed great fear over the fact that, through the regulatory process, now they are going to have an immense amount of — trying to create that Canadian content, what meets Canadian content, what the final decision of the CRTC is going to be on what is Canadian content, as well as that she will be driven away from that opportunity.

When I looked at Bill C-11 in the beginning, and read through it first — before any amendments were made — I believed then that the purpose of the bill was to create an environment where people such as Oorbee Roy could thrive any place in this world. I come from a community in southern Newfoundland of 300 people. Somebody could make a living in that community through this process.

What I'm concerned about is that the last thing you want in anybody's face is too much government. I believe that, unless we put a threshold in place, we are putting a roadblock up to people like Oorbee Roy, and many others, who would have the opportunity to not only create something, but to make a living for themselves and their families.

We need to have a threshold; is it \$10 million? The question mark is we started at \$150 million. We went to 100, 50, 25 — now we are down to 10. Now do we go down to a \$20 bill before we agree on something? No; I don't know. The bottom line is, without any threshold, there is no limit. Oorbee Roy is going to be on the same level as a national broadcaster. To me, that doesn't make sense.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker pro tempore: Senator Manning, you are out of time. Are you requesting an additional five minutes?

Senator Manning: If the Senate gives me the opportunity, I have all the time in the world, Your Honour.

The Hon. the Speaker pro tempore: Is it agreed, honourable senators?

Hon. Senators: Agreed.

[*Translation*]

Senator Miville-Dechêne: Thank you for your answer, Senator Manning. I am trying to reconcile your amendment with the fact that Senator Simons and I removed anything to do with revenue from the amendment that we proposed and that was adopted.

When one reads the amendment, it is very clear that this woman, Ms. Roy, who roller skates and supports her family with her content, will not be affected in any way by Bill C-11. This amendment already guarantees that small content creators will be protected.

I am trying to understand how your amendment would be useful. Basically, what you are saying is that there is a chance that our amendment will be rejected by the government and so yours should be adopted.

I would like to know why your amendment is more likely to be accepted by the government than ours.

[*English*]

Senator Manning: Of all the things I will try to do in my lifetime, especially on this side, I'm not going to try to answer for what the government is going to do. I am afraid to do that half of the time, but I will leave that for another day.

What I'm concerned about is that, as I said in my remarks, your amendment may not be adopted. Yes, with all good intentions, you and Senator Simons put it forward. Certainly, it was a good amendment at the time — but, the fact is, it may not be adopted.

I am not saying that the government would adopt my amendment. We don't know if the government will accept any amendment. We have sent back legislation from this chamber to the government, and they have not accepted any amendments that we have put forward at any time. The bottom line is that if we have one amendment, or ten, they may not accept any. The more that we have — at least that gives them some thought to put some thought into it.

The bottom line is that we're — “protecting” may not be the right word to use — giving those people that we have called, in our discussions, “small players in the field” — giving them an opportunity to, at least, be able to stand on their own two feet, and be able to do what they are doing without interference. I believe the whole purpose of Bill C-11 was to create an avenue to do that.

The reason I put forward the amendment is because I believe that some type of threshold is needed. If we talk about no revenues, as I said, the government may not accept that, but they might be open to accepting a threshold; I don't know.

I can guarantee you my amendment was put forward with the best intentions to protect those that we have brought before us. In my comments, I mentioned half a dozen of those who came before us and expressed this major valid concern they all have. I'm trying to find a way to address that concern. This is my way. I hope my colleagues support my amendment.

An Hon. Senator: Hear, hear.

Hon. Colin Deacon: Senator Manning, one of the concerns I have with our regulatory burden in Canada — there is so much that has been embedded in legislation that, absolutely, we know how slowly we get new legislation through this chamber.

When you embed something like that into legislation, like a certain threshold — whether or not this is needed or required in any way; I can't speak to that — but, certainly, I'm trying to move away from that.

Have you considered options as it relates to having this threshold that you think is so important given as advice to government in regulations? The reality is, if we put a specific number into the legislation, that's almost impossible to change. This is 30 years in the making — this change that we are seeing right now. Is that something you have considered? Is that something you have worked on and considered — any alternatives other than embedding in legislation?

Senator Manning: I understand the concern you have. My concern is the absence of anything there to protect those people.

Having it embedded in legislation — yes, I know it takes 30 years to change something; but the fact is that, without something there, the people are not protected on the other end, in my view and in my humble opinion.

I would be more comfortable having something in legislation that people can refer to that becomes the law of the land than the fact that we have nothing there to show any protection to them.

An Hon. Senator: Hear, hear.

Hon. Leo Housakos: Thank you, Senator Manning, for another attempt to bring some sanity to a very insane piece of legislation.

Honourable colleagues, how many times have we heard — time and time again, when concerns have been raised by digital content creators, by digital-first creators, in this country — “Trust us”? Trust us. User-generated content is not included in this bill.

How many times have we heard the minister, officials, government officials and sponsors of the bill come and say, “Trust us”?

“Absolutely. Platforms are in; users are out.”

At every turn, government MPs in the House, the government in the Senate committee, they have done everything they can to not allow for any thresholds, to not allow crystal ball and white statements that clarify for the hundreds of thousands — if not

millions — of Canadians who, today, are using the digital web as an opportunity to promote Canadian culture, and who have created outstanding businesses; they are looking at this, and they are saying that what we have created is at the fate — right now — of the CRTC without any clarity in the bill.

Senator Deacon, you are absolutely right: We need to get rid of red tape in this country. We need to make things less complicated. The best way to do that is to entrench those protections in the bill before it gets to the regulatory stage.

You think we are cutting through regulations by sending this problem to the CRTC, and letting them consult for a year and come back to us with a list of regulations — without guidelines being clarified here and now in order to alleviate the concerns of generated content producers in this country? I'm sorry. I'm not going to leave it to a bunch of appointed individuals who, at the end of the day — as you'll read in the Broadcasting Act — take their guidelines, ultimately, from the government. They have complete power. We have heard at our committee, over many months, the concerns of stakeholders — both from those in favour of and those against the bill — that the Canadian Radio-television and Telecommunications Commission, or CRTC, has an atrocious record when it comes to consultation and transparency. We also heard from many stakeholders, including large broadcasters, that in order to navigate through the bureaucracy of the CRTC, you need deep pockets and a lot of lawyers on your payroll.

• (1710)

So, yes, Senator Dawson, I am very excited and very stressed about this bill, more than I have been in the past, because I'm concerned about the hundreds of thousands of Canadians and digital first creators in this country who came and pleaded with us for some sanity in the legislation, and they have asked to be excluded. At the end of the day, I don't believe Canadian culture is in peril nor at risk. I think our committee has seen in their study over the last few months that Canadian culture is booming like never before. Actors are busier than ever before. Producers are busier than ever before, as are directors, singers, songwriters and extras. Every region of the country is benefiting over the last decade; we have seen it. Movie production companies and documentary producers are coming in and using Canada as a place and using Canada's talent and art to propel their work around the world.

The digital web has given us a market that we never dreamed of 30 or 40 years ago when we were looking at this archaic Broadcasting Act and protecting the broadcasting industry. Billions of people around the world are jumping onto YouTube, Twitter, Facebook and TikTok to look at our Indigenous talent, to look at our francophone talent and they are thriving like never before. With all due respect, I don't buy the argument that we need to protect them.

Do you know who this bill is protecting? It's only protecting one group of individuals, and that is the group involved in the old broadcasting model, which we all know has failed. In 2023, they are bankrupt. Bell Media is bankrupt. CBC is bankrupt. They are not making money because they are outdated. Canadians are not

going to those platforms for their information anymore. Only old guys like me — old boomers — are sitting there watching the news on TV at night. My 26- and 23-year-old children walk by and laugh at me because they are streaming. Yes, they are on their iPads and their phones. I'm starting to realize they are getting information quicker than I am. That's who I relied on in order to draw my conclusions in regard to this bill.

The traditional broadcasters can do somersaults and try to convince the government to throw more money into the Canada Media Fund and into Telefilm Canada. Change your model because, clearly, I don't see any streamers rushing to become broadcasters, but we see every broadcasting platform going digital over the last 10 years. The CBC has spent millions trying to go digital — CTV and all of them — because that's the way of the future.

We need to encourage Canadians and young Canadians to take advantage of that opportunity and to continue to grow, not to hinder them by basically saying to the CRTC, "Create an even playing field." I use this analogy. We have right now the digital world — a Lamborghini — and we have the traditional broadcasting world — a horse and cart. We want to create an equal race. Well, unless you're going to give the horse and cart a 5-mile lead in a 5.1-mile race, I'm still betting on the Lamborghini.

We have to start being realistic when we say it's time to start reviewing our Broadcasting Act. We must understand the realities that we face today.

Senator Deacon mentioned that we must protect our industry and make sure that foreign investors don't come in and somehow hinder the marketplace. It's because of Netflix, Disney Plus and those foreign investors that we've had billions of dollars coming into Canada and that our industry artists are busier than ever before. They are working. There is a shortage. They are making money. They are paying taxes to the Canada Revenue Agency. By the way, all of these streamers, bloggers and independent content producers are paying a ton of taxes to the Canada Media Fund. Under Bill C-11, who will benefit from that? Even to this day, who benefits? The traditional broadcasters dive into that money, continuing to produce shows at taxpayers' expense — shows that no one is watching. Do I need to pull out the ratings to let you know that, for example, no one is watching CBC anymore? Yet, the whole point of this bill is that someone is making money and someone isn't, and for the guys who are not, there is a reason for it. Someone decided they need to be propped up. Well, prop them up all you want, but if the problem is your business model, you will die a slow, painful death.

In our committee, thanks to Senator Klyne, we heard from Indigenous witnesses. He fought hard right to the end to make sure they were heard, and they said it best. Under these new platforms, Indigenous culture from our country is being spread to places like France and South America — to all corners of the world, like never before. They pleaded to make sure that the CRTC and any element of Bill C-11 — or whatever it morphs

into, because we don't know what those regulations will be like — not stop them. They said, word for word, "Please, stay out of our way because we are being very successful."

Why would we put in peril every Canadian who is on these platforms right now, enjoying the liberty to express themselves? By the way, we are dominating. We're punching above our weight. Every single witness who came before our committee made it evidently clear that Canada is punching above its weight when you look at our footprint in terms of arts and culture around the world.

We are a small market. We need the world. We are not a trading country only in lumber, in agricultural goods and in energy. We are a trading country in culture as well. As Senator Richards appropriately said, there are so many people who can buy books in Canada, but there are billions of people around the world who can buy the works of Canadian authors that they like.

Now, one of the biggest problems with this bill is the scope. We must broaden our scope. We have to think large as Canadians. I think I heard Senator Miville-Dechêne say, in speaking about her amendment, that it would address thresholds and it would, for example, compel the CRTC — according to her amendment — to consider digital first creators. Correct? And I think one of the words in her amendment is "consider."

With all due respect, colleagues, if I try to amend the bill and I'm telling the CRTC that we recognize weaknesses that we want them to address in their deliberations and their regulations and the amendment says, "I want the CRTC to consider A, B, C," well, "consider" is not very prescriptive. We all know how the CRTC works. They're going to consider it all right. They will hold hearings and they will report as usual. It's not very binding.

We have fought very hard to put forward amendments with some teeth to protect content producers who are small players, who are living off their small stream of revenue — independent, Canadian content producers. A \$10-million threshold is the bare minimum to provide some protection in a concrete way and to entrench it in the bill so that the CRTC has no manoeuvrability to avoid accepting that reality.

My only conclusion on why there's such pushback from the government is that, at the end of the day and with all due respect, I just don't believe when government says that, "Platforms are in, and independent digital content producers are out." I don't believe them; I'm sorry. If you won't accept a threshold of \$100 million, \$50 million, \$10 million, why would I believe you are going to accept any threshold on goodwill? How many of you will buy a product and have a contract in which everything is highlighted except the delivery date? How many of you would accept that?

"Can you just put the delivery date?"

"Oh, no, trust us. You will get it by February 1."

"Well, yes, but can we just put it in the contract?"

"No, no, no. Just trust us."

Please, colleagues, at a bare minimum, can we please accept this reasonable amendment that will give a little bit of hope to those young Canadians across this country who are looking for some clarity and some security so they can continue to promote their cultures and their businesses in a fair, free market way? Thank you, colleagues.

Hon. Paula Simons: Honourable senators, I want to thank Senator Manning for the intention behind this amendment. However, I believe, if I may say so, that the senator may be conflating two separate issues with Bill C-11. The first has to do with user-generated content created by small social media producers. I share the concern of Senator Manning and Senator Housakos that clause 4.2.2 of the bill, as originally written, was an exception to the exception that had the potential to scope in small YouTubers and small TikTok artists because the criteria was whether it generated revenues directly or indirectly. It could have been a very small amount of revenue, or it could have been revenue that was created not from advertising or subscription but from sponsorship or from selling products.

• (1720)

Because I very much shared the concern voiced by Senator Housakos and Senator Manning, Senator Miville-Dechéne and I worked very hard to craft an amendment that surgically removed all user-generated content of this type from the bill.

As I explained in my earlier speech, the amended bill you have before you fixes this problem by removing all revenue thresholds or mentions of revenue and scoping the bill specifically to include commercial content that has that unique identifier number that is only given to commercially released music. If I sing a song on YouTube — and I shall spare you an example — that would in no way have a unique identifier number except perhaps a user-content warning. So it would scope in that commercially produced music released by large commercial labels and scope in, for example, a sports specialty channel that rebroadcasts a sports game on Facebook. Those would be the only people who are now covered by the bill before you.

I understand what Senator Housakos is saying. We have no guarantee that the folks in the other place will accept our amended bill. I would say to you that the strongest way to send a message to the government that this amendment is absolutely essential is for us to be united as a chamber in saying that this is the correct surgical solution. There is no political blowback. We are not doing this for partisan reasons. We are not doing this to be obstreperous. We are doing this because we listened to 138 witnesses, and we came up with a workable compromise.

Now we come to the issue of thresholds.

I have been taking the time, while Senator Housakos was speaking, to review the testimony we heard at the Transport Committee. The threshold issue, as I recall and as my quick read through the transcript supports, never had anything to do with social media users. What it did have to do with was small streaming services.

This remains a concern because the question is that it is fine that Netflix, Disney, Amazon Prime and Apple TV have huge revenues, and it is one thing to scope them in. What do you do

with a small streaming service from Nigeria that is serving a Nigerian-Canadian diaspora population? What do you do about a small streaming service that is offering audio content in Punjabi? What do you do about a small streaming service serving an ethnocultural community or a community that has very specific interest that does not reach a broad general audience?

That was the threshold question in debate. It was never about social media users because they would never be captured. Even the most extraordinarily successful YouTube vlogger is not going to be making \$150 million or \$10 million. In fact, if you think about it logically, this could never have included YouTubers because YouTube makes more than \$10 million, makes more than \$150 million. This amendment would not protect somebody who is uploading content to a platform like YouTube or TikTok. Our amendment to clause 4.2.2, which is in the bill now, does that. This threshold would do nothing to protect them because they are on YouTube and TikTok, which have revenues well over \$10 million in Canada.

The question that remains is what we do about those small niche streaming services. I thought long and hard before bringing a threshold amendment myself. When we spoke to the experts, the challenge was how to create a threshold that can stay static in legislation. What I would hope for is the intention behind Senator Manning's amendment, which is not a bad intention, should be encapsulated in regulation. I want to say here on the record that I think it would be ludicrous for a small international streaming service that serves a niche language audience in Canada, a diverse and multicultural country, to be accidentally captured by legislation that is clearly meant to target the largest behemoth streaming services.

My final concern about the motion that we have before us is a technical one about the clarity of the language. Now that I have the amendment, it says, "regulations shall not prescribe a program of a broadcasting undertaking that generates annual revenues of less than \$10 million."

I'm not clear whether the \$10 million refers to the broadcasting undertaking or to the program. There is a huge difference. Is it the intention of this amendment to scope out a program that generates annual revenues of less than \$10 million, or a broadcasting undertaking that generates annual revenues of less than \$10 million? If it is the former, almost no program would generate that amount. If it is the latter, a service like YouTube or TikTok would easily be scoped in, and then this amendment would do nothing to help those social media users that Senator Manning is rightly concerned about.

Therefore, I would suggest that this is an unclear amendment that does not do what its avowed intention is. I suggest to you also that we need to have further discussion to make sure that small niche streaming services are indeed exempted in regulation.

I thank Senator Manning for bringing forward this amendment, but I will not be able to support it.

Senator Housakos: Would Senator Simons take a question?

Senator Simons: I will.

Senator Housakos: I totally agree with you that regulating the World Wide Web is very complicated, and, once you embark upon that, it becomes a runaway train. We know what happens when the CRTC takes what seems to be a complicated matter: They like to add multiple layers and make it complicated.

My understanding is that Senator Manning is trying to carve out broadcasting undertakings here. You are absolutely right that \$10 million is a lot for small players. It is minuscule for the big players, and we're going after the big players. I think this amendment attempts to say that we are all in favour of getting the big giant streamers to pay more, but let's protect the small independent Canadians.

My question is on your and Senator Miville-Dechêne's amendments, which I did support and I think they are a good step. The problem is that they are not very rigid or prescriptive. It gives the CRTC full latitude at the end of the day.

How hopeful can we be that the amendments as they currently are, with such wide latitude given to the CRTC, have the desired effect?

Senator Simons: With respect, Senator Housakos, I don't think there is a wide latitude. There was in the bill that came to us, but I think, as amended — and I am grateful that you supported the amendment — it is pretty clear. It includes only, at the discretion of the CRTC, pieces of professionally recorded and released music that have that unique international identifier number and things that have been previously broadcast on conventional broadcasting. It is crystal clear at this point, I think, that it absolutely does not include social media users.

More to this point, this amendment doesn't speak to social media users. This amendment, as I read it, would in no way capture a mom who puts her skateboarding adventures on TikTok, or a comedian who posts his stuff to Twitter, because those platforms make way more than \$10 million. This amendment wouldn't help the people who you are trying to help, whereas the bill, as currently amended, does.

That said, I think it is important that we say on the record that there is a remaining concern about streaming services, because the thresholds were never supposed to be about people giving cooking tips on YouTube. They were supposed to be about how we deal with ethnocultural streaming services that fall below the threshold of the big companies.

[*Translation*]

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Thank you for your speech, Senator Manning. I would also like to express my appreciation to the committee members, who were very patient during the nine meetings where we did the clause-by-clause consideration of the bill.

• (1730)

I just wanted to express my appreciation.

[*English*]

I would like to state the government's position on this. The proposed amendment would create a revenue threshold for social media users and user-generated content.

Again, I know Senator Housakos has said that, but I will repeat again that the government stated that the obligation is on the platforms, not on social media users and the content they create. As noted by a Canadian Heritage official during clause-by-clause consideration, the CRTC is only to regulate those undertakings that are in a position to contribute in a material way to the policy objectives of the act. Additionally, the CRTC should regulate in a way that is responsive to the nature of the undertaking.

I just wanted to mention also that the government has been clear that it opposes the establishment of thresholds of this nature. They are likely to introduce distortions in the application of the policy. It creates circumstances where business practices, business organizations and accounting procedures can be structured in such a way as to avoid or fall below the threshold regardless of the amount set.

I would encourage senators to vote against the amendment.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Do we have agreement on a bell?

An Hon. Senator: Thirty minutes.

The Hon. the Speaker: The vote will take place at 6:02 p.m. Call in the senators.

• (1800)

Motion in amendment of the Honourable Senator Manning
negatived on the following division:

YEAS

THE HONOURABLE SENATORS

Batters	Martin
Black	McPhedran
Boisvenu	Oh
Carignan	Patterson (<i>Nunavut</i>)
Greene	Plett
Housakos	Richards
MacDonald	Seidman
Manning	Wells—16

NAYS

THE HONOURABLE SENATORS

Audette	Gignac
Bellemare	Greenwood
Bernard	Harder
Boniface	Jaffer
Bovey	Klyne
Burey	Kutcher
Busson	LaBoucane-Benson
Campbell	Loffreda
Cardozo	Massicotte
Clement	McCallum
Cormier	Mégie
Cotter	Miville-Dechêne
Coyle	Moncion

Dalphond	Omidvar
Dasko	Osler
Dawson	Pate
Deacon (<i>Nova Scotia</i>)	Patterson (<i>Ontario</i>)
Deacon (<i>Ontario</i>)	Petitclerc
Dean	Ravalia
Downe	Ringuette
Duncan	Saint-Germain
Forest	Simons
Francis	Sorensen
Gagné	Tannas
Galvez	Woo
Gerba	Yussuff—52

ABSTENTION

THE HONOURABLE SENATOR

Dagenais—1

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-13(2), I move:

That the Senate do now adjourn.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(*At 6:10 p.m., the Senate was continued until tomorrow at 2 p.m.*)

THE SPEAKER

The Honourable George J. Furey

THE GOVERNMENT REPRESENTATIVE IN THE SENATE

The Honourable Marc Gold

THE LEADER OF THE OPPOSITION

The Honourable Donald Neil Plett

FACILITATOR OF THE INDEPENDENT SENATORS GROUP

The Honourable Raymonde Saint-Germain

THE LEADER OF THE CANADIAN SENATORS GROUP

The Honourable Scott Tannas

THE LEADER OF THE PROGRESSIVE SENATE GROUP

The Honourable Jane Cordy

OFFICERS OF THE SENATE

INTERIM CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Gérald Lafrenière

LAW CLERK AND PARLIAMENTARY COUNSEL

Philippe Hallée

USHER OF THE BLACK ROD

J. Greg Peters

THE MINISTRY

(In order of precedence)

(January 1, 2023)

The Right Hon. Justin Trudeau	Prime Minister
The Hon. Chrystia Freeland	Minister of Finance
	Deputy Prime Minister
The Hon. Lawrence MacAulay	Minister of Veterans Affairs
	Associate Minister of National Defence
The Hon. Carolyn Bennett	Minister of Mental Health and Addictions
	Associate Minister of Health
The Hon. Dominic LeBlanc	Minister of Intergovernmental Affairs, Infrastructure and Communities
The Hon. Jean-Yves Duclos	Minister of Health
The Hon. Marie-Claude Bibeau	Minister of Agriculture and Agri-Food
The Hon. Mélanie Joly	Minister of Foreign Affairs
The Hon. Diane Lebouthillier	Minister of National Revenue
The Hon. Harjit S. Sajjan	Minister of International Development
	Minister responsible for the Pacific Economic Development Agency of Canada
The Hon. Carla Qualtrough	Minister of Employment, Workforce Development and Disability Inclusion
The Hon. Patty Hajdu	Minister of Indigenous Services
	Minister responsible for the Federal Economic Development Agency for Northern Ontario
The Hon. François-Philippe Champagne	Minister of Innovation, Science and Industry
The Hon. Karina Gould	Minister of Families, Children and Social Development
The Hon. Ahmed Hussen	Minister of Housing and Diversity and Inclusion
The Hon. Seamus O'Regan	Minister of Labour
The Hon. Ginette Petitpas Taylor	Minister of Official Languages
	Minister responsible for the Atlantic Canada Opportunities Agency
The Hon. Pablo Rodriguez	Minister of Canadian Heritage
The Hon. Bill Blair	President of the Queen's Privy Council for Canada
	Minister of Emergency Preparedness
The Hon. Mary Ng	Minister of International Trade, Export Promotion, Small Business and Economic Development
The Hon. Filomena Tassi	Minister responsible for the Federal Economic Development Agency for Southern Ontario
The Hon. Jonathan Wilkinson	Minister of National Resources
The Hon. David Lametti	Minister of Justice
	Attorney General of Canada
The Hon. Joyce Murray	Minister of Fisheries, Oceans and the Canadian Coast Guard
The Hon. Anita Anand	Minister of National Defence
The Hon. Mona Fortier	President of the Treasury Board
The Hon. Steven Guilbeault	Minister of Environment and Climate Change
The Hon. Marco Mendicino	Minister of Public Safety
The Hon. Marc Miller	Minister of Crown-Indigenous Relations
The Hon. Dan Vandal	Minister responsible for Prairies Economic Development Canada
	Minister responsible for the Canadian Northern Economic Development Agency
	Minister of Northern Affairs
The Hon. Omar Alghabra	Minister of Transport
The Hon. Randy Boissonnault	Minister of Tourism
	Associate Minister of Finance
The Hon. Sean Fraser	Minister of Immigration, Refugees and Citizenship
The Hon. Mark Holland	Leader of the Government in the House of Commons
The Hon. Gudie Hutchings	Minister of Rural Economic Development
The Hon. Marci Ien	Minister of Women and Gender Equality and Youth
The Hon. Helena Jaczek	Minister of Public Services and Procurement
The Hon. Kamal Khara	Minister of Seniors
The Hon. Pascale St-Onge	Minister of Sport
	Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec

SENATORS OF CANADA

ACCORDING TO SENIORITY

(January 1, 2023)

Senator	Designation	Post Office Address
The Honourable		
George J. Furey, <i>Speaker</i>	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Sandra M. Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Stephen Greene	Halifax - The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Percy Mockler	New Brunswick	St. Leonard, N.B.
Pamela Wallin	Saskatchewan	Wadena, Sask.
Yonah Martin	British Columbia	Vancouver, B.C.
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Claude Carignan, P.C.	Mille Isles	Saint-Eustache, Que.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Elizabeth Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Judith G. Seidman	De la Durantaye	Saint-Raphaël, Que.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
Salma Ataullahjan	Ontario (Toronto)	Toronto, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
Jean-Guy Dagenais	Victoria	Blainville, Que.
Diane Bellemare	Alma	Outremont, Que.
David M. Wells	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Victor Oh	Mississauga	Mississauga, Ont.
Denise Batters	Saskatchewan	Regina, Sask.
Scott Tannas	Alberta	High River, Alta.
Peter Harder, P.C.	Ottawa	Manotick, Ont.
Raymonde Gagné	Manitoba	Winnipeg, Man.
Frances Lankin, P.C.	Ontario	Restoule, Ont.
Ratna Omidvar	Ontario	Toronto, Ont.
Chantal Petitclerc	Grandville	Montreal, Que.
Yuen Pau Woo	British Columbia	North Vancouver, B.C.
Patricia Bovey	Manitoba	Winnipeg, Man.
René Cormier	New Brunswick	Caraquet, N.B.
Nancy J. Hartling	New Brunswick	Riverview, N.B.
Kim Pate	Ontario	Ottawa, Ont.
Tony Dean	Ontario	Toronto, Ont.
Wanda Elaine Thomas Bernard	Nova Scotia (East Preston)	East Preston, N.S.
Sabi Marwah	Ontario	Toronto, Ont.
Lucie Moncion	Ontario	North Bay, Ont.
Renée Dupuis	The Laurentides	Sainte-Pétronille, Que.
Marilou McPhedran	Manitoba	Winnipeg, Man.
Gwen Boniface	Ontario	Orillia, Ont.

Senator	Designation	Post Office Address
Éric Forest	Gulf	Rimouski, Que.
Marc Gold	Stadacona	Westmount, Que.
Marie-Françoise Mégie	Rougemont	Montreal, Que.
Raymonde Saint-Germain	De la Vallière	Quebec City, Que
Dan Christmas	Nova Scotia	Membertou, N.S.
Rosa Galvez	Bedford	Lévis, Que.
David Richards	New Brunswick	Fredericton, N.B.
Mary Coyle	Nova Scotia	Antigonish, N.S.
Mary Jane McCallum	Manitoba	Winnipeg, Man.
Robert Black	Ontario	Centre Wellington, Ont.
Marty Deacon	Waterloo Region	Waterloo, Ont.
Yvonne Boyer	Ontario	Merrickville-Wolford, Ont.
Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate, Nfld. & Lab.
Pierre J. Dalphond	De Lorimier	Montreal, Que.
Donna Dasko	Ontario	Toronto, Ont.
Colin Deacon	Nova Scotia	Halifax, N.S.
Julie Miville-Dechéne	Inkerman	Mont-Royal, Que.
Bev Busson	British Columbia	North Okanagan Region, B.C.
Marty Klyne	Saskatchewan	White City, Sask.
Patti LaBoucane-Benson	Alberta	Spruce Grove, Alta.
Paula Simons	Alberta	Edmonton, Alta.
Peter M. Boehm	Ontario	Ottawa, Ont.
Brian Francis	Prince Edward Island	Rocky Point, P.E.I.
Margaret Dawn Anderson	Northwest Territories	Yellowknife, N.W.T.
Pat Duncan	Yukon	Whitehorse, Yukon
Rosemary Moodie	Ontario	Toronto, Ont.
Stan Kutcher	Nova Scotia	Halifax, N.S.
Tony Loffreda	Shawinigan	Montreal, Que.
Brent Cotter	Saskatchewan	Saskatoon, Sask.
Hassan Yussuff	Ontario	Toronto, Ont.
Bernadette Clement	Ontario	Cornwall, Ont.
Jim Quinn	New Brunswick	Saint John, N.B.
Karen Sorensen	Alberta	Banff, Alta.
Amina Gerba	Rigaud	Blainville, Que.
Clément Gignac	Kennebec	Lac Saint-Joseph, Que.
Michèle Audette	De Salaberry	Quebec City, Que.
David Arnot	Saskatchewan	Saskatoon, Sask.
Ian Shugart, P.C.	Ontario	Ottawa, Ont.
F. Gigi Osler	Manitoba	Winnipeg, Man.
Margo Greenwood	British Columbia	Vernon, B.C.
Sharon Burey	Ontario	Windsor, Ont.
Andrew Cardozo	Ontario	Ottawa, Ont.
Rebecca Patterson	Ontario	Ottawa, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(January 1, 2023)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Anderson, Margaret Dawn	Northwest Territories	Yellowknife, N.W.T.	Progressive Senate Group
Arnot, David	Saskatchewan	Saskatoon, Sask.	Independent Senators Group
Ataullahjan, Salma	Ontario (Toronto)	Toronto, Ont.	Conservative Party of Canada
Audette, Michèle	De Salaberry	Quebec City, Que.	Progressive Senate Group
Batters, Denise	Saskatchewan	Regina, Sask.	Conservative Party of Canada
Bellemare, Diane	Alma	Outremont, Que.	Independent Senators Group
Bernard, Wanda Elaine Thomas	Nova Scotia (East Preston)	East Preston, N.S.	Progressive Senate Group
Black, Robert	Ontario	Centre Wellington, Ont.	Canadian Senators Group
Boehm, Peter M.	Ontario	Ottawa, Ont.	Independent Senators Group
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative Party of Canada
Boniface, Gwen	Ontario	Orillia, Ont.	Independent Senators Group
Bovey, Patricia	Manitoba	Winnipeg, Man.	Progressive Senate Group
Boyer, Yvonne	Ontario	Merrickville-Wolford, Ont.	Independent Senators Group
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Non-affiliated
Burey, Sharon	Ontario	Windsor, Ont.	Non-affiliated
Busson, Bev	British Columbia	North Okanagan Region, B.C.	Independent Senators Group
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Non-affiliated
Cardozo, Andrew	Ontario	Ottawa, Ont.	Non-affiliated
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative Party of Canada
Christmas, Dan	Nova Scotia	Membertown, N.S.	Independent Senators Group
Clement, Bernadette	Ontario	Cornwall, Ont.	Independent Senators Group
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Progressive Senate Group
Cormier, René	New Brunswick	Caraquet, N.B.	Independent Senators Group
Cotter, Brent	Saskatchewan	Saskatoon, Sask.	Independent Senators Group
Coyle, Mary	Nova Scotia	Antigonish, N.S.	Independent Senators Group
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Canadian Senators Group
Dalphond, Pierre J.	De Lorimier	Montreal, Que.	Progressive Senate Group
Dasko, Donna	Ontario	Toronto, Ont.	Independent Senators Group
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Progressive Senate Group
Deacon, Colin	Nova Scotia	Halifax, N.S.	Independent Senators Group
Deacon, Marty	Waterloo Region	Waterloo, Ont.	Independent Senators Group
Dean, Tony	Ontario	Toronto, Ont.	Independent Senators Group
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Canadian Senators Group
Duncan, Pat	Yukon	Whitehorse, Yukon	Independent Senators Group
Dupuis, Renée	The Laurentides	Sainte-Pétronille, Que.	Independent Senators Group
Forest, Éric	Gulf	Rimouski, Que.	Independent Senators Group
Francis, Brian	Prince Edward Island	Rocky Point, P.E.I.	Progressive Senate Group
Furey, George J., <i>Speaker</i>	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Non-affiliated
Gagné, Raymonde	Manitoba	Winnipeg, Man.	Non-affiliated
Galvez, Rosa	Bedford	Lévis, Que.	Independent Senators Group
Gerba, Amina	Rigaud	Blainville, Que.	Progressive Senate Group
Gignac, Clément	Kennebec	Lac Saint-Joseph, Que.	Progressive Senate Group
Gold, Marc	Stadacona	Westmount, Que.	Non-affiliated
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Canadian Senators Group
Greenwood, Margo	British Columbia	Vernon, B.C.	Independent Senators Group
Harder, Peter, P.C.	Ottawa	Manotick, Ont.	Progressive Senate Group
Hartling, Nancy J.	New Brunswick	Riverview, N.B.	Independent Senators Group
Housakos, Leo	Wellington	Laval, Que.	Conservative Party of Canada
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Independent Senators Group
Klyne, Marty	Saskatchewan	White City, Sask.	Progressive Senate Group
Kutcher, Stan	Nova Scotia	Halifax, N.S.	Independent Senators Group
LaBoucane-Benson, Patti	Alberta	Spruce Grove, Alta.	Non-affiliated
Lankin, Frances, P.C.	Ontario	Restoule, Ont.	Independent Senators Group

Senator	Designation	Post Office Address	Political Affiliation
Loffreda, Tony	Shawinegan	Montreal, Que.	Independent Senators Group
Lovelace Nicholas, Sandra M.	New Brunswick	Tobique First Nations, N.B.	Progressive Senate Group
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative Party of Canada
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative Party of Canada
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative Party of Canada
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative Party of Canada
Marwah, Sabi	Ontario	Toronto, Ont.	Independent Senators Group
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Independent Senators Group
McCallum, Mary Jane	Manitoba	Winnipeg, Man.	Non-affiliated
McPhedran, Marilou	Manitoba	Winnipeg, Man.	Non-affiliated
Mégie, Marie-Françoise	Rougemont	Montreal, Que.	Independent Senators Group
Miville-Dechéne, Julie	Inkerman	Mont-Royal, Que.	Independent Senators Group
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative Party of Canada
Moncion, Lucie	Ontario	North Bay, Ont.	Independent Senators Group
Moodie, Rosemary	Ontario	Toronto, Ont.	Independent Senators Group
Oh, Victor	Mississauga	Mississauga, Ont.	Conservative Party of Canada
Omidvar, Ratna	Ontario	Toronto, Ont.	Independent Senators Group
Osler, F. Gigi	Manitoba	Winnipeg, Man.	Canadian Senators Group
Pate, Kim	Ontario	Ottawa, Ont.	Independent Senators Group
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Canadian Senators Group
Patterson, Rebecca	Ontario	Ottawa, Ont.	Canadian Senators Group
Petitclerc, Chantal	Grandville	Montreal, Que.	Independent Senators Group
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative Party of Canada
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative Party of Canada
Quinn, Jim	New Brunswick	Saint John, N.B.	Canadian Senators Group
Ravalia, Mohamed-Iqbal	Newfoundland and Labrador	Twillingate, Nfld. & Lab.	Independent Senators Group
Richards, David	New Brunswick	Fredericton, N.B.	Canadian Senators Group
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Independent Senators Group
Saint-Germain, Raymonde	De la Vallière	Quebec City, Que.	Independent Senators Group
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative Party of Canada
Shugart, Ian, P.C.	Ontario	Ottawa, Ont.	Non-affiliated
Simons, Paula	Alberta	Edmonton, Alta.	Independent Senators Group
Smith, Larry W.	Sauvel	Hudson, Que.	Canadian Senators Group
Sorensen, Karen	Alberta	Banff, Alta.	Independent Senators Group
Tannas, Scott	Alberta	High River, Alta.	Canadian Senators Group
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Canadian Senators Group
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Canadian Senators Group
Wells, David M.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative Party of Canada
Woo, Yuen Pau	British Columbia	North Vancouver, B.C.	Independent Senators Group
Yussuff, Hassan	Ontario	Toronto, Ont.	Independent Senators Group

SENATORS OF CANADA
BY PROVINCE AND TERRITORY

(January 1, 2023)

ONTARIO—24

Senator	Designation	Post Office Address
The Honourable		
1 Salma Ataullahjan.....	Ontario (Toronto).....	Toronto
2 Victor Oh.....	Mississauga.....	Mississauga
3 Peter Harder, P.C.....	Ottawa.....	Manotick
4 Frances Lankin, P.C.....	Ontario.....	Restoule
5 Ratna Omidvar.....	Ontario.....	Toronto
6 Kim Pate.....	Ontario.....	Ottawa
7 Tony Dean.....	Ontario.....	Toronto
8 Sabi Marwah.....	Ontario.....	Toronto
9 Lucie Moncion.....	Ontario.....	North Bay
10 Gwen Boniface.....	Ontario.....	Orillia
11 Robert Black.....	Ontario.....	Centre Wellington
12 Marty Deacon.....	Waterloo Region.....	Waterloo
13 Yvonne Boyer.....	Ontario.....	Merrickville-Wolford
14 Donna Dasko.....	Ontario.....	Toronto
15 Peter M. Boehm.....	Ontario.....	Ottawa
16 Rosemary Moodie.....	Ontario.....	Toronto
17 Hassan Yussuff.....	Ontario.....	Toronto
18 Bernadette Clement.....	Ontario.....	Cornwall
19 Ian Shugart, P.C.....	Ontario.....	Ottawa
20 Sharon Burey.....	Ontario.....	Windsor
21 Andrew Cardozo.....	Ontario.....	Ottawa
22 Rebecca Patterson.....	Ontario.....	Ottawa
23
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SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
The Honourable		
1 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
2 Dennis Dawson	Lauzon.....	Ste-Foy
3 Patrick Brazeau	Repentigny	Maniwaki
4 Leo Housakos	Wellington.....	Laval
5 Claude Carignan, P.C.....	Mille Isles.....	Saint-Eustache
6 Judith G. Seidman.....	De la Durantaye.....	Saint-Raphaël
7 Pierre-Hugues Boisvenu	La Salle	Sherbrooke
8 Larry W. Smith	Saurel	Hudson
9 Josée Verner, P.C.....	Montarville.....	Saint-Augustin-de-Desmaures
10 Jean-Guy Dagenais	Victoria.....	Blainville
11 Diane Bellemare	Alma.....	Outremont
12 Chantal Petitclerc.....	Grandville.....	Montreal
13 Renée Dupuis.....	The Laurentides.....	Saint-Pétronille
14 Éric Forest.....	Gulf	Rimouski
15 Marc Gold.....	Stadacona	Westmount
16 Marie-Françoise Mégie.....	Rougemont	Montreal
17 Raymonde Saint-Germain.....	De la Vallière	Quebec City
18 Rosa Galvez	Bedford.....	Lévis
19 Pierre J. Dalphond.....	De Lorimier.....	Montreal
20 Julie Miville-Dechêne.....	Inkerman	Mont-Royal
21 Tony Loffreda.....	Shawinigan	Montreal
22 Amina Gerba.....	Rigaud	Blainville
23 Clément Gignac	Kennebec.....	Lac Saint-Joseph
24 Michèle Audette.....	De Salaberry.....	Quebec City

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
The Honourable		
1 Jane Cordy	Nova Scotia	Dartmouth
2 Stephen Greene	Halifax - The Citadel	Halifax
3 Michael L. MacDonald	Cape Breton	Dartmouth
4 Wanda Elaine Thomas Bernard	Nova Scotia (East Preston)	East Preston
5 Dan Christmas	Nova Scotia	Membertou
6 Mary Coyle	Nova Scotia	Antigonish
7 Colin Deacon	Nova Scotia	Halifax
8 Stan Kutcher	Nova Scotia	Halifax
9		
10		

NEW BRUNSWICK—10

wSenator	Designation	Post Office Address
The Honourable		
1 Pierrette Ringuette	New Brunswick	Edmundston
2 Sandra M. Lovelace Nicholas	New Brunswick	Tobique First Nations
3 Percy Mockler	New Brunswick	St. Leonard
4 Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent
5 René Cormier	New Brunswick	Caraquet
6 Nancy J. Hartling	New Brunswick	Riverview
7 David Richards	New Brunswick	Fredericton
8 Jim Quinn	New Brunswick	Saint John
9		
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
The Honourable		
1 Percy E. Downe	Charlottetown	Charlottetown
2 Brian Francis	Prince Edward Island	Rocky Point
3		
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SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
The Honourable		
1 Donald Neil Plett	Landmark	Landmark
2 Raymonde Gagné.....	Manitoba	Winnipeg
3 Patricia Bovey.....	Manitoba	Winnipeg
4 Marilou McPhedran	Manitoba	Winnipeg
5 Mary Jane McCallum.....	Manitoba	Winnipeg
6 F. Gigi Osler	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
The Honourable		
1 Mobina S. B. Jaffer	British Columbia	North Vancouver
2 Larry W. Campbell	British Columbia	Vancouver
3 Yonah Martin.....	British Columbia	Vancouver
4 Yuen Pau Woo.....	British Columbia	North Vancouver
5 Bev Busson	British Columbia	North Okanagan Region
6 Margo Greenwood	British Columbia	Vernon

SASKATCHEWAN—6

Senator	Designation	Post Office Address
The Honourable		
1 Pamela Wallin.....	Saskatchewan	Wadena
2 Denise Batters	Saskatchewan	Regina
3 Marty Klyne.....	Saskatchewan	White City
4 Brent Cotter	Saskatchewan	Saskatoon
5 David Arnot	Saskatchewan	Saskatoon
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ALBERTA—6

Senator	Designation	Post Office Address
The Honourable		
1 Scott Tannas.....	Alberta.....	High River
2 Patti LaBoucane-Benson.....	Alberta.....	Spruce Grove
3 Paula Simons	Alberta.....	Edmonton
4 Karen Sorensen	Alberta.....	Banff
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SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
The Honourable		
1	George J. Furey, <i>Speaker</i>	Newfoundland and Labrador St. John's
2	Elizabeth Marshall	Newfoundland and Labrador Paradise
3	Fabian Manning	Newfoundland and Labrador St. Bride's
4	David M. Wells	Newfoundland and Labrador St. John's
5	Mohamed-Iqbal Ravalia	Newfoundland and Labrador Twillingate
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NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
The Honourable		
1	Margaret Dawn Anderson	Northwest Territories Yellowknife

NUNAVUT—1

Senator	Designation	Post Office Address
The Honourable		
1	Dennis Glen Patterson	Nunavut Iqaluit

YUKON—1

Senator	Designation	Post Office Address
The Honourable		
1	Pat Duncan	Yukon Whitehorse

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