



MINUTES OF PROCEEDINGS

OTTAWA, Tuesday, November 29, 2022

(34)

[English]

The Standing Senate Committee on Transport and Communications met this day at 8 a.m., in room B45, Senate of Canada Building, the chair, the Honourable Leo Housakos, presiding.

Members of the committee present: The Honourable Senators Clement, Cormier, Dasko, Dawson, Gold, P.C., Housakos, Klyne, Manning, Miville-Dechéne, Plett, Quinn, Simons, Sorensen and Wallin (14).

Other senators present: The Honourable Senator Wells (1).

Participating in the meeting: Shaila Anwar, Clerk Assistant, Maxime Fortin, Principal Clerk, Karine Déquier, Procedural Clerk and Guillermo Renna, Legislative Clerk, Committees Directorate; Jed Chong and Khamla Heminthavong, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Tuesday, October 25, 2022, the committee continued its consideration of Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

WITNESSES:

Canadian Heritage:

Thomas Owen Ripley, Associate Assistant Deputy Minister;

Amy Awad, Senior Director, Marketplace and Legislative Policy;

Charles Kouri, Policy and Research Analyst, Marketplace and Legislative Policy.

The committee resumed clause-by-clause consideration of Bill C-11.

Resuming debate on the motion in amendment of the Honourable Senator Batters, that Bill C-11 be amended in clause 2, on page 4, by adding the following before line 1:

“(2.4) This Act does not apply to an online undertaking whose revenues in Canada from paid subscriptions and embedded advertising do not exceed \$150,000,000 annually.”.

Thomas Owen Ripley answered questions from time to time.

After debate, the Honourable Senator Plett moved that the motion in amendment be amended by replacing “\$150,000,000” with the words “\$100 million annually and which have more than 100,000 subscribers in Canada.”

At 8:44 a.m., the committee suspended.

At 8:45 a.m., the committee resumed.

Resuming debate on the subamendment of the Honourable Senator Plett, that the motion in amendment be amended by replacing “\$150,000,000” with the words “\$100 million annually and which have more than 100,000 subscribers in Canada.”

The question being put on the subamendment, it was negatived on the following vote:

YEAS

The Honourable Senators

Housakos, Manning, Plett,— [3]

NAYS

The Honourable Senators

Clement, Cormier, Dasko, Dawson, Gold, P.C., Klyne, Miville-Dechêne, Quinn, Simons, Sorenson, Wallin
— [11]

ABSTENTIONS

NIL

The question being put on the motion in amendment, it was negatived on the following vote:

YEAS

The Honourable Senators

Housakos, Manning, Plett, Wallin — [4]

NAYS

The Honourable Senators

Clement, Cormier, Dasko, Dawson, Gold, P.C., Klyne, Miville-Dechêne, Quinn, Simons, Sorensen — [10]

ABSTENTIONS

NIL

The Honourable Senator Miville-Dechêne moved that Bill C-11 be amended, in clause 2, on page 4, by replacing lines 5 and 6 with the following:

“broadcasting undertakings;

(b) the right to privacy of individuals; and

(c) the commitment of the Government of Canada to”.

After debate, the Honourable Senator Manning moved that the motion in amendment be amended by replacing the text of its proposed paragraph (b) with the following:

“(b) the right to privacy of individuals, including the protection of their personal information against any unauthorized sharing or disclosure,”

After debate, the question being put on the subamendment, it was negatived on the following vote:

YEAS

The Honourable Senators

Housakos, Manning, Plett, Wallin — [4]

NAYS

The Honourable Senators

Clement, Cormier, Dasko, Dawson, Gold, P.C., Klyne, Miville-Dechêne, Quinn, Sorensen — [9]

ABSTENTIONS

The Honourable Senators

Simons — [1]

The question being put on the motion in amendment, it was adopted, on division.

At 9:30 a.m., the committee suspended.

At 9:38 a.m., the committee resumed.

The Honourable Senator Plett moved that Bill C-11 be amended, in clause 2, on page 4, by replacing line 5 with the following:

“broadcasting undertakings and creators;”.

After debate, the question being put on the motion in amendment, it was adopted on the following vote:

YEAS

The Honourable Senators

Cormier, Dasko, Housakos, Manning, Miville-Dechêne, Plett, Quinn, Simons, Sorensen, Wallin — [10]

NAYS

The Honourable Senators

Clement, Dawson, Gold, P.C., Klyne — [4]

ABSTENTIONS

NIL

It was agreed that clause 2, as amended, carry, on division.

The Honourable Senator Manning moved that Bill C-11 be amended, in clause 3, on page 4, by replacing line 21 with the following:

“the services provided by the undertaking and reflective of the fact that foreign broadcasting undertakings that provide programming to Canadians are included in the Canadian broadcasting system;”.

After debate, the question being put on the motion in amendment, it was negatived on the following vote:

YEAS

The Honourable Senators

Housakos, Manning, Plett — [3]

NAYS

The Honourable Senators

Clement, Cormier, Dasko, Dawson, Gold, P.C., Klyne, Miville-Dechéne, Quinn, Simons, Sorensen, Wallin
— [11]

ABSTENTIONS

NIL

The Honourable Senator Manning moved that Bill C-11 be amended, in clause 3, on page 4, by adding the following after line 30:

“(i.1) reflect and be responsive to the preferences and interests of its audiences,

(i.2) to the extent possible, rely on market forces to ensure that Canadians obtain the programming of their choice,”.

After debate, the Honourable Senator Wallin moved that the motion in amendment be amended by deleting proposed subparagraph (i.2).

After debate, it was agreed that the subamendment stand postponed.

Resuming debate on the motion in amendment of the Honourable Senator Manning, that Bill C-11 be amended, in clause 3, on page 4, by adding the following after line 30:

“(i.1) reflect and be responsive to the preferences and interests of its audiences,

(i.2) to the extent possible, rely on market forces to ensure that Canadians obtain the programming of their choice,”.

After debate, the Honourable Senator Plett moved that the motion in amendment be amended by replacing the word “its” with the word “consumer”.

At 10:42 a.m., the committee suspended.

At 10:51 a.m., the committee resumed.

Resuming debate on the subamendment of the Honourable Senator Plett, that the motion in amendment be amended by replacing the word “its” with the word “consumer”.

The question being put on the subamendment, it was negated on the following vote:

YEAS

The Honourable Senators

Housakos, Manning, Plett, Wallin — [4]

NAYS

The Honourable Senators

Clement, Cormier, Dasko, Dawson, Gold, P.C., Klyne, Miville-Dechêne, Quinn, Simons, Sorensen — [10]

ABSTENTIONS

NIL

Resuming debate on the subamendment of the Honourable Senator Wallin, that the motion in amendment be amended by deleting proposed subparagraph (i.2).

The question being put on the subamendment, it was negated on the following vote:

YEAS

The Honourable Senators

Housakos, Manning, Plett, Wallin — [4]

NAYS

The Honourable Senators

Clement, Cormier, Dasko, Dawson, Gold, P.C., Klyne, Miville-Dechêne, Quinn, Simons, Sorensen — [10]

ABSTENTIONS

NIL

The question being put on the motion in amendment, it was negated on the following vote:

YEAS

The Honourable Senators

Housakos, Manning, Plett, Wallin — [4]

NAYS

The Honourable Senators

Clement, Cormier, Dasko, Dawson, Gold, P.C., Klyne, Miville-Dechêne, Quinn, Simons, Sorensen — [10]

ABSTENTIONS

NIL

At 10:59 a.m., the committee adjourned to the call of the chair.

ATTEST:

Vincent Labrosse

Clerk of the Committee