



## MINUTES OF PROCEEDINGS

OTTAWA, Wednesday, December 7, 2022

(39)

[English]

The Standing Senate Committee on Transport and Communications met this day at 6:47 p.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, Deacon (*Nova Scotia*), Gold, P.C., Housakos, Klyne, Manning, Martin, Miville-Dechêne, Quinn, Saint-Germain, Simons and Wallin (15).

*Other senators present:* The Honourable Senator Downe (1).

*Participating in the meeting:* Shaila Anwar, Clerk Assistant, Joëlle Nadeau, Principal Clerk, Emily Barrette and Karine Déquier, Procedural Clerks 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;

Yao Ahonda, Manager, Broadcasting, Marketplace and Legislative Policy.

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

Resuming debate on the motion in amendment to clause 14 of the Honourable Senator Manning that Bill C-11 be amended in clause 14, on page 22, by replacing lines 14 to 17 with the following:

**“(5) Regulations and orders made under this section**

**(a)** may provide that an expenditure is to be paid to any person or organization, other than the Commission, or into any fund, other than a fund administered by the Commission; and

**(b)** must ensure that all amounts received from online undertakings are paid to creators whose content is distributed by those undertakings.”.

The Honourable Senator Wallin moved that the motion in amendment be amended by replacing the words “online undertakings” with the words “social media services”.

Thomas Owen Ripley answered questions from time to time.

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

YEAS

The Honourable Senators

Housakos, Manning, Martin Wallin — [4]

NAYS

The Honourable Senators

Clement, Cormier, Dawson, Deacon (*Nova Scotia*), Gold, P.C., Klyne, Miville-Dechéne, Saint-Germain, Simons, — [9]

ABSTENTIONS

The Honourable Senator

Quinn — [1]

After debate, the question being put on the motion in amendment, it was negated, on division.

The Honourable Senator Manning moved that Bill C-11 be amended in clause 14, on page 22, by replacing lines 14 to 17 with the following:

**“(5) Regulations and orders made under this section**

**(a)** may provide that an expenditure is to be paid to any person or organization, other than the Commission, or into any fund, other than a fund administered by the Commission; and

**(b)** must ensure that at least one-third of all amounts received from social media services are paid to creators whose content is distributed by those services.”.

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

YEAS

The Honourable Senators

Housakos, Manning, Martin, Quinn, Wallin— [5]

NAYS

The Honourable Senators

Clement, Cormier, Dawson, Deacon (*Nova Scotia*), Gold, P.C., Klyne, Miville-Dechêne, Saint-Germain, Simons— [9]

ABSTENTIONS

NIL

The Honourable Senator Cormier moved that Bill C-11 be amended in clause 14,

(a) on page 21,

(i) by replacing line 30 with the following:

“ing by broadcasting undertakings;

**(b.1)** supporting broadcasting undertakings offering programming services that, in the Commission’s opinion, are of exceptional importance to the achievement of the objectives of the broadcasting policy set out in subsection 3(1);”

(ii) by replacing line 34 with the following:

“Act; or

**(d)** supporting the development of initiatives — including tools — that, in the Commission’s opinion, are efficient and necessary for the achievement of the objectives of the broadcasting policy set out in subsection 3(1).”;

(b) on page 22, by replacing line 2 with the following:

“out in paragraphs (1)(a) to (d).”.

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

YEAS

The Honourable Senators

Clement, Cormier, Dawson, Deacon (*Nova Scotia*), Gold, P.C., Klyne, Miville-Dechêne, Quinn, Saint-Germain, Simons— [10]

NAYS

The Honourable Senators

Housakos, Manning, Martin, Wallin — [4]

ABSTENTIONS

NIL

The Honourable Senator Manning moved that Bill C-11 be amended in clause 14, on page 22, by adding the following after line 17:

“(5.1) If a foreign-owned or -controlled online undertaking is required under this section to pay an expenditure to a person or organization or into any fund, that undertaking shall be eligible to receive the benefits made available by the person or organization or fund as if the undertaking were Canadian-owned or -controlled.”.

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

YEAS

The Honourable Senators

Housakos, Manning, Martin— [3]

NAYS

The Honourable Senators

Clement, Cormier, Dawson, Deacon (*Nova Scotia*), Gold, P.C., Klyne, Miville-Dechéne, Saint-Germain, Simons, Wallin— [10]

ABSTENTIONS

NIL

At 7:49 p.m. The Honourable Senator Dasko replaced the Honourable Senator Saint-Germain as a member of the committee.

The Honourable Senator Manning moved that Bill C-11 be amended in clause 14, on page 22, by adding the following after line 23:

“(a.1) the contributions already made by the persons carrying on broadcasting undertakings to support Canadian culture;”.

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

YEAS

The Honourable Senators

Housakos, Manning, Martin, Simons, Wallin— [5]

NAYS

The Honourable Senators

Clement, Cormier, Dawson, Deacon (*Nova Scotia*), Gold, P.C., Klyne, Miville-Dechêne, Quinn— [8]

ABSTENTIONS

The Honourable Senator

Dasko— [1]

It was agreed that clause 14, as amended, carry, on division.

It was agreed that clause 15 carry, on division.

The chair asked whether clause 16 shall carry.

The Honourable Senator Cormier moved that Bill C-11 be amended in clause 16, on page 23,

(a) by replacing line 18 with the following:

**“16 (1) Paragraph 18(1)(c) of the Act is replaced by”;**

(b) by adding the following after line 22:

**“(2) Subsection 18(2) of the Act is replaced by the following:**

**(2)** The Commission shall also hold a public hearing in connection with the following matters unless it is satisfied that such a hearing is not required in the public interest:

**(a)** the amendment or renewal of a licence;

**(b)** the making of an order under subsection 9.1(1) or 11.1(2); and

**(c)** the making of any regulation under this Act.

**(2.1)** A hearing in connection with a matter referred to in paragraph (2)(b) or (c) shall be held after the proposed order or regulation in question is published.”.

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

YEAS

The Honourable Senators

Clement, Cormier, Dasko, Housakos, Manning, Martin, Miville-Dechêne, Quinn, Simons, Wallin— [10]

NAYS

The Honourable Senators

Dawson, Deacon (*Nova Scotia*), Gold, P.C., Klyne — [4]

ABSTENTIONS

NIL

It was agreed that clause 16, as amended, carry, on division.

It was agreed that clause 17 carry, on division.

It was agreed that clause 18 carry, on division.

It was agreed that clause 19 carry, on division.

It was agreed that clause 20 carry, on division.

It was agreed that clause 21 carry, on division.

It was agreed that clause 22 carry, on division.

The chair asked whether clause 23 shall carry.

The Honourable Senator Cormier moved that Bill C-11 be amended in clause 23, on page 28, by replacing line 2 with the following:

“tion 9 to issue, amend or renew a licence or makes an order under subsection 9.1(1) or 11.1(2), the Governor in”.

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

YEAS

The Honourable Senators

Clement, Cormier, Wallin— [3]

NAYS

The Honourable Senators

Dasko, Dawson, Deacon (*Nova Scotia*), Gold, P.C., Housakos, Klyne, Manning, Martin, Miville-Dechêne, Quinn, Simons— [11]

ABSTENTIONS

NIL

It was agreed that clause 23 carry, on division.

It was agreed that clause 24 carry, on division.

The Honourable Senator Wallin moved that Bill C-11 be amended on page 28 by adding the following after line 27:

**“24.1 The Act is amended by adding the following after the heading “Decisions and Orders” before section 31:**

**30.1** Despite any other provision of this Act, the Commission shall not make an order under this Act that would require the use of a specific computer algorithm or source code.”.

After debate, it was agreed that the motion in amendment stand postponed until the next meeting.

At 8:44 p.m., the committee adjourned to the call of the chair.

*ATTEST:*

Vincent Labrosse

*Clerk of the Committee*