



MINUTES OF PROCEEDINGS

OTTAWA, Thursday, December 8, 2022

(40)

[English]

The Standing Senate Committee on Transport and Communications met this day at 10:30 a.m., in room C128, Senate of Canada Building, the chair, the Honourable Leo Housakos, presiding.

Members of the committee present: The Honourable Senators Clement, Cormier, Dasko, Dawson, Downe, Gold, P.C., Housakos, Klyne, Loffreda, Manning, Miville-Dechêne, Plett, Quinn, Simons and Wallin (15).

Participating in the meeting: Shaila Anwar, Clerk Assistant, Maxime Fortin and Joëlle Nadeau, principal clerks, 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;

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 of the Honourable Senator Wallin 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.”.

Thomas Owen Ripley answered questions from time to time.

After debate, the question being put on the motion in amendment that new clause 24.1 carry, it was negatived on the following vote:

YEAS

The Honourable Senators

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

NAYS

The Honourable Senators

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

ABSTENTIONS

NIL

It was agreed that clause 25 carry, on division.

The chair asked whether clause 26 shall carry.

The Honourable Senator Quinn moved that Bill C-11 be amended in clause 26, on page 30, by adding the following after line 13:

“(3) The Minister shall cause a copy of all reports published under subsections (1) and (2) to be tabled before each House of Parliament.”.

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

After debate, it was agreed that clause 26 stand postponed.

At 11:00 a.m., the Honourable Senator Downe replaced the Honourable Senator Quinn as a member of the committee.

It was agreed that clause 27 carry, on division.

The chair asked whether clause 28 shall carry.

The Honourable Senator Downe moved that Bill C-11 be amended in clause 28,

(a) on page 32, by adding the following after line 1:

“(2.1) Despite subsections (1) and (2), in the case of a violation of an obligation requiring the Corporation to broadcast a minimum number of hours of regional or local programming, as the case may be, the Corporation is liable to an administrative monetary penalty of \$2 million.”;

(b) on page 37,

(i) by replacing line 8 with the following:

“34.993 (1) An administrative monetary penalty paid or re-”,

(ii) by adding the following after line 10:

“(2) Despite subsection (1), an administrative monetary penalty paid or recovered in relation to a violation of an obligation requiring the Corporation to broadcast a minimum number of hours of regional or local programming, as the case may be, is payable — and must be paid by the Corporation within 180 days of the penalty being imposed — to a library that

(a) the Commission specifies by order;

(b) serves the public in the region most directly related to the violation by the Corporation;
and

(c) received, in the preceding fiscal year, funds from the Government of Canada, the government of a province or a municipal government.”.

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

YEAS

The Honourable Senators

Downe, Housakos, Klyne, Manning, Plett, Wallin — [6]

NAYS

The Honourable Senators

Clement, Cormier, Dasko, Dawson, Gold, P.C., Loffreda, Miville-Dechéne, Simons — [8]

ABSTENTIONS

NIL

At 11:32 a.m., the Honourable Senator Quinn replaced the Honourable Senator Downe as a member of the committee.

Resuming debate on clause 26.

The Honourable Senator Wallin moved that Bill C-11 be amended in clause 26, on page 30,

(a) by replacing line 2 with the following:

“**34.01 (1)** Every five years the Commission shall con-”;

(b) by replacing lines 11 and 12 with the following:

“five years after the day on which this subsection comes into force and, subsequently, within five years after the”.

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, Quinn, Wallin — [5]

NAYS

The Honourable Senators

Clement, Cormier, Dasko, Dawson, Gold, P.C., Klyne, Loffreda, Miville-Dechéne, Simons — [9]

ABSTENTIONS

NIL

It was agreed that clause 26, as amended, carry, on division.

It was agreed that clause 28 carry, on division.

It was agreed that clause 29 carry, on division.

At 11:59 a.m., the Honourable Senator Downe replaced the Honourable Senator Quinn as a member of the committee.

The chair asked whether clause 30 shall carry.

The Honourable Senator Downe moved that Bill C-11 be amended in clause 30, on page 40, by adding the following after line 20:

“(1.1) Despite subsection (1), the Corporation may not enter into any contract, arrangement or agreement that results in the broadcasting or development of an advertisement or announcement on behalf of an advertiser that is designed to resemble journalistic programming.”.

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

YEAS

The Honourable Senators

Clement, Downe, Housakos, Klyne, Loffreda, Manning, Miville-Dechéne, Plett, Simons, Wallin — [10]

NAYS

The Honourable Senators

Dasko, Dawson, Gold, P.C. — [3]

ABSTENTIONS

The Honourable Senator

Cormier — [1]

The Honourable Senator Manning moved that Bill C-11 be amended in clause 30, on page 40,

(a) by replacing line 23 with the following:

“ternational service, to be known as Radio Canada International, whose mandate is the creation, production”;

(b) by adding the following after line 28:

“(2.1) Radio Canada International must offer programming that

(a) reflects Canadian society and its values;

(b) is from a Canadian perspective; and

(c) includes news, information and analysis concerning Canada and its social, economic, political and cultural activities — both at home and abroad — in addition to world news.

(2.2) The Corporation shall ensure access to the programming of Radio Canada International by international audiences by providing distribution through means that include broadcasting over the Internet and by shortwave and satellite technology.

(2.3) The Corporation shall appoint an Executive Director of Radio Canada International. The Executive Director is responsible for

(a) overseeing the financial, editorial and administrative performance of the service;

(b) managing relations with the Corporation, the Department of Foreign Affairs, Trade and Development, other international broadcasters and other organizations important to the maintenance of the service;

(c) establishing annual objectives for the service; and

(d) reporting annually on the objectives established under paragraph (c) to the Board of Directors of the Corporation.”

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

At 12:30 p.m., the committee adjourned to the call of the chair.

ATTEST:

Vincent Labrosse

Clerk of the Committee