



MINUTES OF PROCEEDINGS

OTTAWA, Tuesday, December 6, 2022

(37)

[English]

The Standing Senate Committee on Transport and Communications met this day at 6 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, Dawson, Gold, P.C., Housakos, Klyne, Manning, Miville-Dechêne, Omidvar, Plett, Quinn, Simons, Wallin and Woo (14).

Other senators present: The Honourable Senator Cardozo (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;

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

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

The Honourable Senator Miville-Dechêne moved that Bill C-11 be amended in clause 4, on page 10, by replacing lines 15 to 26 with the following:

“(a) the extent to which a program contains a sound recording that has been assigned a unique identifier under an international standards system;

(b) the fact that the program has been uploaded to an online undertaking that provides a social media service by the owner or the exclusive licensee of the copyright in the sound recording, or an agent of the owner;

(c) the fact that the program or a significant part of it has been broadcast by a broadcasting undertaking that

(i) is required to be carried on under a licence, or

(ii) is required to be registered with the Commission but does not provide a social media service.”.

Thomas Owen Ripley answered questions from time to time.

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

The Honourable Senator Manning moved that Bill C-11 be amended in clause 4, on page 10, by replacing line 14 with the following:

“mission shall consider the totality — with that totality being determinative and with each factor being accounted for — of the following matters:”.

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, Dawson, Gold, P.C., Klyne, Miville-Dechéne, Omidvar, Simons, Woo — [9]

ABSTENTIONS

NIL

The Honourable Senator Manning moved that Bill C-11 be amended in clause 4, 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 \$25 million.”.

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, Dawson, Gold, P.C., Klyne, Miville-Dechêne, Omidvar, Quinn, Simons, Wallin, Woo – [11]

ABSTENTIONS

NIL

It was agreed that clause 4, as amended, carry, on division.

The chair asked whether clause 5 shall carry.

The Honourable Senator Simons moved that Bill C-11 be amended in clause 5, on page 11, by adding the following after line 22:

“(1.1) Paragraph 5(2)(c) of the Act is replaced by the following:

(c) promotes innovation and is readily adaptable to scientific and technological change;”.

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

The Honourable Senator Dawson moved that Bill C-11 be amended in clause 5, on page 11, by replacing lines 36 to 38 with the following:

“ing out “and” at the end of paragraph (f) and by adding the following after paragraph (g):

(g.1) protects the privacy of individuals who are members of the audience for programs broadcast by broadcasting undertakings; and”.

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

The Honourable Senator Manning moved that Bill C-11 be amended in clause 5, on page 11, by adding the following after line 44:

“(i) recognizes that market forces, competition and the growing choice of programming made available to Canadians over the Internet are contributing to achieving the objectives of the broadcasting policy set out in subsection 3(1);

- (j) encourages all forms of competition to ensure that high-quality and innovative programming is made available to Canadians using the most effective technologies available at reasonable cost; and
- (k) ensures that regulations made under this Act are efficient and proportionate to their purpose.”.

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, Simons, Wallin, Woo – [7]

NAYS

The Honourable Senators

Clement, Cormier, Dawson, Gold, P.C., Klyne, Miville-Dechéne, Omidvar – [7]

ABSTENTIONS

NIL

It was agreed that clause 5, as amended, carry, on division.

It was agreed that clause 6 carry, on division.

The chair asked whether clause 7 shall carry.

After debate, clause 7 was negatived, on division.

At 7:32 p.m., the committee suspended.

At 7:42 p.m., the committee resumed. The chair asked whether clause 8 shall carry.

The Honourable Senator Quinn moved that Bill C-11 be amended on page 13 by adding the following after line 14:

“8.1 The Act is amended by adding the following after section 8:

8.1 (1) Despite subsection 7(1), the Governor in Council may issue to the Commission directions of general application respecting online undertakings only if those directions are

(a) made by orders subject to affirmative resolution of Parliament; and

(b) on broad policy matters described in paragraphs 7(1)(a) and (b).

(2) An order subject to affirmative resolution of Parliament and laid before each House of Parliament for that purpose is not subject to any tabling requirement under sections 7 and 8.”.

After debate, the question being put on the motion in amendment that new clause 8.1 carry, it was negated on the following vote:

YEAS

The Honourable Senators

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

NAYS

The Honourable Senators

Clement, Cormier, Dawson, Gold, P.C., Klyne, Miville-Dechêne, Omidvar, Simons, Woo – [9]

ABSTENTIONS

NIL

After debate, the question being put on the motion that clause 8 carry, it was adopted on the following vote:

YEAS

The Honourable Senators

Clement, Cormier, Dawson, Gold, P.C., Klyne, Miville-Dechêne, Omidvar, Simons, Woo – [9]

NAYS

The Honourable Senators

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

ABSTENTIONS

NIL

It was agreed that clause 9 carry, on division.

The chair asked whether clause 10 shall carry.

The Honourable Senator Manning moved that Bill C-11 be amended in clause 10, on page 14, by deleting lines 23 to 25.

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

YEAS

The Honourable Senators

Housakos, Manning, Miville-Dechêne, Plett, Quinn, Simons, Wallin, Woo – [8]

NAYS

The Honourable Senators

Clement, Cormier, Dawson, Gold, P.C., Klyne, Omidvar – [6]

ABSTENTIONS

NIL

The Honourable Senator Manning moved that Bill C-11 be amended in clause 10, on page 14, by deleting lines 26 to 30.

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, Dawson, Gold, P.C., Klyne, Miville-Dechêne, Omidvar, Simons, Woo – [9]

ABSTENTIONS

NIL

The Honourable Senator Manning moved that Bill C-11 be amended in clause 10, on page 14, by replacing lines 27 to 30 with the following:

“services for selection by the public;”.

After debate, the Honourable Senator Wallin moved that the motion in amendment be replaced by the following :

That Bill C-11 be amended in clause 10, on page 14, by replacing lines 26 to 30 with the following:

“(e) the presentation and promotion of programs and programming services for selection by the public;”.

After debate, the question being put on the subamendment, it was negatived, on division.

The question being 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, Dawson, Gold, P.C., Klyne, Miville-Dechêne, Omidvar, Simons, Woo – [9]

ABSTENTIONS

NIL

The Honourable Senator Simons moved that Bill C-11 be amended in clause 10, on page 14, by replacing line 42 with the following:

“tion undertaking or an online undertaking that provides the programming services of other broadcasting undertakings to carry, on the terms and conditions”.

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

At 9:01 p.m., the committee adjourned to the call of the chair.

ATTEST:

Vincent Labrosse

Clerk of the Committee