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Mike Gagel
President
BC Library Trustees Association
409 Granville St.
Vancouver, BC V6C 1T2

MAY 27 2021

Dear Mr. Gagel,

Thank you for contacting me regarding Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, which has been undergoing clause by clause review at the Standing Committee on Canadian Heritage.

The objective of Bill C-10 is to ensure that large online companies such as Google, Netflix, Spotify, and Amazon contribute to the creation, production, and promotion of Canadian music, television, and other online content.

Under the current *Broadcasting Act*, Canadian producers of television, film, and music are regulated by the Canadian Radio-television and Telecommunications Commission (CRTC) and are required to contribute to the Canadian Media Fund and the Canada Music Fund, which provide funds to Canadian musicians, directors, screenwriters and actors to tell Canadian stories.

Companies such as radio stations or TV channels are also generally required to play a certain amount of Canadian music or television on their broadcasts to ensure that Canadian musicians and artists can tell their stories to a broader audience. This system has helped Canadian artists from Gordon Lightfoot to k.d. lang, Shania Twain and Sean Mendes grow and become successful.

The *Broadcasting Act* does not cover digital companies such as Netflix, Spotify or Amazon Prime, and as such, they are not required to contribute to Canadian

art or culture. Considering that these are some of the largest companies on the planet, I believe that it is important that these companies contribute their fair share to Canadian arts and culture.

We have heard concerns that Bill C-10 will lead to the regulation of the free speech of individual people online and concerns with the Heritage Committee's removal of Section 4.1 from the Bill. Let me be clear that **this Bill will not regulate individuals and will not impact freedom of speech** which is explicitly protected under this legislation and in our Charter of Rights and Freedoms.

Section 4.1 was removed by the Committee as further study determined that it would create loopholes in which YouTube would not be regulated under the act. As YouTube is the largest source of music for Canadians, this was untenable. That said, Bill C-10 has undergone two separate Charter reviews by the Department of Justice, which I have enclosed, which affirm that Bill C-10 will not infringe on our Charter rights.

Under section 2.1 of the Bill, Canadians who post to social media are specifically excluded from being considered broadcasters. Rather than regulating content from individuals, what Bill C-10 will do is ensure that large social media companies, when they act as broadcasters, pay their fair share.

Bill C-10 continues to undergo review by the Heritage Committee for further amendments, including a proposed amendment by the Liberal members which would strictly limit the CRTC's ability to regulate social media platforms to:

1. Request information from the social media company about the revenues it earns in Canada
2. Require that the social media company contributes a certain percentage of its Canadian revenues to our cultural production funds
3. Make our Canadian creators more discoverable on their platforms

The discoverability requirement is not the same as the one that applies to traditional TV and radio broadcasters. Social media companies will not need to show or play a proportion of Canadian shows or music. The discoverability requirement for social media companies means that they will have to make our creators discoverable, for example, to include them as suggestions in playlists.

Users are expressly excluded from C-10, and there are no financial requirements, discoverability requirements or any other CRTC obligations placed on individuals who post to social media.

Twelve Members of Parliament sit on the Heritage Committee, six Liberal members, four Conservatives, one Bloc, and one NDP member. Votes on the Committee require the support of a majority of members, excluding the Chair, to pass. As the Chair, who is a Liberal, may not normally vote, the support of at least one opposition member in addition to the Liberal members is required before the Bill can be approved and sent back to the House of Commons for further consideration.

I am confident that the members of this Committee will work collaboratively to strengthen the provisions of this Bill, and I encourage you to write to the Clerk of the Committee at chpc@parl.gc.ca to share your comments directly with the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ron McKinnon', written in a cursive style.

Ron McKinnon, MP