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## **BROADCASTING ACT**

BILL TO AMEND—SECOND READING

Speech by:  
The Honourable Patricia Bovey

Tuesday, June 29, 2021

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[*Translation*]

### BROADCASTING ACT

#### BILL TO AMEND—SECOND READING

**Hon. Patricia Bovey:** Honourable senators, I am speaking to you from Winnipeg, Treaty 1 territory, the traditional territory of the Anishinabeg, Cree, Oji-Cree, Dene and Dakota, the birthplace of the Métis Nation and the heart of the Métis Nation homeland.

I support the objective of Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts. I subscribe to the objective of supporting Canada's creative sector, its artists and producers, and showcasing the work of Canadians, First Nations and people of diverse backgrounds and circumstances. I agree there is a need to fund ongoing programming that reflects the ideas of Canadian creators and the realities of Canada, at home and abroad. That is what this bill aims to do.

[*English*]

First, I want to thank all who have spoken on this bill. It is complex, and these complexities have come to the fore and will be studied further in committee.

Senator Richards spoke as an author of 50 years. I do the same as one who has been involved in the visual arts world and the arts for 50-plus years.

Bill C-10 represents the first overhaul to the Broadcasting Act since 1991. To say that the bill is overdue is an understatement. The world of broadcasting has been through a sea change since that date. Modernization is necessary in a world now dominated by the internet and digital technology.

As we have heard, Canadians now access digital platforms for entertainment. Indeed, Netflix is now accessed by some 62% of Canadian households, and in 2019 that platform alone generated some \$1 billion. This is a success story and a well-earned one; however, the shift to digital has created an imbalance as online broadcasters are not required to support Canadian content. This is of major concern to Canada's arts and culture community. Bill C-10 would seek to redress this situation.

The changes we are discussing today, for the most part, were taken from the 97 recommendations in the report of the Broadcasting and Telecommunications Legislative Review Panel, which was struck in 2018 and issued its final report in 2020. The panel was tasked to review the current situation, with the objective of providing the Government of Canada with recommendations on how best to modernize the Broadcasting Act in the digital age and in the Canadian context.

As Senator Dawson mentioned, the legislation resulting from the panel's final report, Bill C-10, was introduced in the other place in November 2020, studied in the Standing Committee on

Canadian Heritage with some 112 meetings and has been amended over 100 times. We are studying the result of that process — and yes, it is unfortunate we did not receive this bill sooner.

The root for this bill was to boost creative production, thus supporting the arts and culture in Canada. I hope we all remember this goal when we study the bill. There are three key desired and needed outcomes: artists' payments, production monies and discoverability.

Simply put, the updates in Bill C-10, if passed, will — quoting from briefing material provided to us all — clarify that online broadcasting is within the scope of the act; better reflect Indigenous peoples, persons with disabilities and Canada's diversity; give fair and equitable treatment between online and traditional broadcasters; introduce an administrative monetary penalties regime; and add more explicit information-sharing and confidentiality provisions.

We will study this bill and determine whether these objectives are met.

The key provision for me, simply put, is that the internet platforms will be regulated as broadcasters are — and that is very much supported by Canada's creators. For our creative sector, support for creation and presentation is essential. In the early years of the internet, it was described as the "information highway." Highways have rules and realities. This highway is our living culture, which presents the unique talents of Canadians.

Let me remind you of the reality. The arts and culture industries are the third-largest employer in Canada. They contribute significantly to our GDP, yet the startling anomaly is that our artists make up the largest percentage of the working poor living below the poverty line. This must be corrected. I believe they, like any other professional, should be compensated fairly for their work and the development of new work. Every other industry is, so why is it so difficult to do this for our creative sector? This bill takes that step.

In these past 18 months, artists have been creating and sharing, using whatever means they have had at their disposal, many being cellphones and internet platforms. Musicians, writers, actors, visual artists, storytellers and more have given us solace, inspiration, connections and hope through the pandemic and other tragedies. They did so earning nothing, as the internet platforms don't pay. So Canadian artists have supported the country.

This bill takes the important steps that enable creators, producers and arts communities to get some recompense. Colleagues, the arts are not a societal frill; they are a core of society. They are not unimportant; they are a mirror of who we are.

Let me go back in history for a minute and the guiding principles we have held nationally over decades as new technologies have developed. If we go back to the broadcasting chapter in the 1951 Massey Report, chaired by future Governor General Vincent Massey, you will see some equivalencies to today.

One of the general perceptions noted then was that “. . . television is becoming an important and even dangerous rival of the other mass media, radio and the cinema . . . .” The Massey Report debunked that perception. It went on to say:

There is television broadcasting today in a number of countries, notably, of course, in Great Britain, France and the United States. Each of these countries follows in television the same policies as in radio broadcasting.

Today, with the new technological platforms it is only right and fair that they be treated with the same principles as earlier technologies.

It is interesting to look at the outcomes of the early days of the CBC. Graham Spry and Alan Plaunt were integral to the beginnings of the Canadian Radio League, feeling that, according to George Woodcock’s book *Strange Bedfellows: The State And The Arts In Canada*:

Only public control of broadcasting would ensure that this powerful agency was used to foster the sense of a Canadian identity with its own characteristic culture.

I believe Bill C-10 takes that goal into the world of the internet. I remember as a youth Graham Spry coming to our house — what an inspirational Canadian. His vision still guides.

In his important book, Woodcock noted the impressive commissioning of and paying for works. Thousands of scripts and music scores were commissioned by and performed on CBC in its early years and are now in the archives. Thousands more were commissioned but are not in the archives. Woodcock noted:

Even the employment provided by the CBC to actors, musicians and writers assured in most cases only part of the money needed to survive.

In 1949, Woodcock himself was paid \$25 for each of his 13-minute talks on CBC, and \$75 for a half-hour comedy. That marked a positive change in Canada’s support for artists, albeit the reality was that the amounts were small.

Colleagues, the production and digital presentation on air and online enriches Canada’s perception at home and around the world.

Now to today. Regarding this bill, the *National Post* stated on June 22, 2021:

In Canada, an additional worry is how to protect domestic cultural industries as more Canadians turn to internet companies for music and video programming, which is the focus of the new law.

Stunting the influence of U.S. culture, in particular, is a core principle of modern Canadian media law. For decades the government has required radio and television broadcasters to produce and distribute local content.

Robin Sokoloski, Director of Organizational Development at Mass Culture, expressed her unwavering support for this bill, not only for the monies which should be paid to and for the artist, but also for the real need for discoverability of art. She told me:

The Bill proposes to include in the broadcasting policy objectives needed to ensure that the works of our creators are ‘discoverable’ and in this algorithm-driven online world, accountability just isn’t a consideration. Therefore, we need to build in measures that both protect our artists and provide access to their work.

I can confirm that her sentiments and concerns are felt nationally. Over the past year, I have been in direct touch with and conversation with hundreds of artists across this country, of all diversities, ages and disciplines — over 600 alone for a project I will launch in the fall, and more than another 200 to 300 solely on the economic and psychological impacts and crises of COVID-19.

Many expressed the urgent need for internet platforms to be within the purview of the CRTC, and that the artists must be paid, and that funds are critically needed for new productions. Without due financial contributions, our stories cannot and will not be told, and I contend their telling has never been more important. We have to be able to see and hear the Indigenous, Black and immigrant histories that have not been part of the traditional Canadian histories.

As my colleague Senator Dawson said in his second reading speech:

The policy objectives set out in the Broadcasting Act will ensure that our broadcasting system reflects Canadian society and that diverse and inclusive programming is available to everyone. That is essential to ensuring that the Canadian broadcasting system can help broaden people’s perspectives, spur empathy and compassion for others and celebrate our differences, while strengthening the common bonds that unite our unique Canadian society.

Thus, the need to respect and recompense Canadian artists is key. So, too, is the production and presentation of Canadian content, our stories, our issues and our perspectives. That, colleagues, is exactly what Canadian writers, musicians, actors, dancers and visual artists do.

As I have said, this issue is not new, and has been the focus of broadcasting legislation and regulation for decades. It is not the first time new technologies have challenged Canada’s broadcasters. It was addressed by the Aird Commission in 1929, the Massey Commission of 1949-51, the Applebaum-Hébert Federal Cultural Policy Review of 1981, not to mention the Mulroney government’s well-handled concerns of Canadian periodicals when negotiating the first Canada-U.S. trade agreement. In 2021, the issue is as simple and complex as in former times.

Again as summarized in the *National Post*:

The bill would effectively add three requirements for digital media companies: They must provide information about their revenue sources, give a portion of their profits to a fund to support Canadian content and increase the visibility or “discoverability” of Canadian content. It would be the first modernization of the country’s broadcasting legislation since 1991.

Canada is not alone. The government has looked at and drawn from situations, policies and actions of other countries, including Britain, Australia and the European Union. The EU local content rules, for instance, require platforms to promote European cultural productions, and at least 30% of their catalogues must be made in the bloc. The EU requires video-on-demand services to prioritize local content.

Colleagues, history has demonstrated many times that no members of society fight for free speech more than artists. I join them in unwavering support for the importance of freedom of speech and freedom of expression — a non-negotiable principle for me, which has driven my career and multiple initiatives.

Indeed, the foresight and courage of artists’ and scientists’ expressions and explorations, as I have said in this chamber

before, puts light on issues our society needs to deal with and those concerns have not always been popular or heard. Take, for instance, the role of artists in putting the issue of residential schools and missing and murdered Indigenous women and girls in our sightlines long before the commissions for each were established and long before they were heard by society as a whole or even in part.

It is important to know what is really in and not in this bill. We must update the act last done in 1991, and recognize and reflect contemporary technologies. We must do it so Canadian stories are told, celebrated and heard, so that their creators and producers are recompensed, and so there are budgets for more stories. Heaven knows we are in dire need of Canadian truths, insights and inspirations now. Only then will we be able to fully understand who we are and what we need to do not only to honour our past but also to confront the realities of that same past in order to move ahead together.

I look forward to our study on this bill. While I could quote many artists today, I think it would be better to hear from creators directly, so I suggest we invite them as witnesses to the committee’s deliberations. Having been a member of the Standing Senate Committee on Transport and Communications, I know there will be a thoughtful and thorough study conducted. I very much look forward to taking part in that. I thank you.

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