# Contents

C-10 HISTORY (Online Streaming Act – 2021) .... 1
April 29, 2021: Guilbeault Assault on Free Expression .... 1
April 27, 2021 User Content and Free Speech: .... 2
May 4, 2021 “Web Giants”: .... 3
May 20, 2021 Not Just Big Tech: .... 4
C-11 (Online Streaming Act - 2022) .... 5
March 30, 2022 Threat to Free Speech: .... 6
April 3, 2022 Russell Brand: .... 6
March 16, 2022 Bob Zimmer, MP .... 6
Feb 3, 2022 CRTC: .... 6
Feb 3, 2022 Kill the Bill and Start Over: .... 7
The Good .... 7
The Bad and The Ugly .... 7
The Neglected/Ignored .... 9
May 19, 2022 Standing Committee on Canadian Heritage: .... 12
May 4, 2022 Covers User Generated Content: .... 13
C-18 (Online News Act) .... 14
May 19, 2022 Liberal Govt. Media Subsidy: .... 15
Bill C-46 (2021) (“Online Hate”) .... 16
April 22, 2022 Trudeau vs. Twitter: .... 16
April 23, 2022 Criticism from Liberal Supporters: .... 18
Global efforts at online regulation .... 19
April 26, 2022 Twitter: .... 20
International Grand Committee on Disinformation (IGCD) .... 21
Oct 23, 2021 UK Online Safety Bill: .... 23

**C-10 HISTORY (Online Streaming Act – 2021)**

https://www.parl.ca/LegisInfo/en/bill/43-2/c-10

**April 29, 2021: Guilbeault Assault on Free Expression**
https://nationalpost.com/news/full-blown-assault-on-free-expression-inside-the-comprehensive-liberal-bill-to-regulate-the-internet

“Bill C-10, a law that would see Canadians subjected to the most regulated internet in the free world.”

- C-10 is to expand Canadian content provisions to the online sphere,
- Guilbeault claims only intended to regulate “web giants,” (article mentions TikTok, Twitter, Facebook, Instagram and YouTube) and regulate streaming services such as Netflix and Crave while leaving social media alone.
- Draft text included a clause exempting “social media” but in committee this was deleted, so every Canadian who posts could be treated like a broadcaster subject to CRTC oversight and sanction. Users might not be subject to direct CRTC regulation, but social media providers would have to answer to every post on their platforms as if it were a TV show or radio program. When confronted on this change, Guilbeault said it was always their plan “to regulate online platforms that act as broadcasters.”
- Originally stated “user-generated content, news content and video games” would not be subject to the new regulations” but “even a cursory read of the legislation reveals that news and video games are absolutely within C-10’s scope.”
- Proposes to regulate online content as a “program.” A “program” is “sounds or visual images, or a combination of sounds and visual images, that are intended to inform, enlighten or entertain.” News sites, podcasts, blogs, the websites of political parties or activist groups, foreign websites that might be seen in Canada, even smartphone apps.
- Guilbeault has spoken openly of a federal regulator that could order takedowns of any social media post made by a Canadian, that it deems to be hateful or propagandistic.
- Jagmeet Singh plans NDP support, seeing the bill as a means to combat online hate. ***(SAFC AUTHOR: not quite the scope of C-10, in 2021 that would have been C-46, but this a common misconception.)***
- CRTC given full regulatory powers, and only after it becomes law will the CRTC decide “how it should implement the new powers afforded by the Bill.” eg., Canadian content strictures. Penalties for those subject to regulation are substantial. $10M 1st offense, $15M subsequent offences.
- Former CRTC commissioner Peter Menzies said in an interview that Bill C-10 “doesn’t just infringe on free expression, it constitutes a full-blown assault upon it and, through it, the foundations of democracy.”
- Alliance for Equity in the Music Industry lobbying for inclusion of provisions in Bill C-10 that would mandate Canadian creators to submit race-based data and be subject to review by a chief equity officer.
- Google (YouTube) quote: “we remain concerned about the unintended consequences, particularly with regards to the potential effects on Canadians’ expressive rights.”

**April 27, 2021 User Content and Free Speech:**
https://www.michaelgeist.ca/2021/04/guilbeaultfreespeech/
The Liberal government’s stunning, dangerous, and inexcusable decision to rescind legislative safeguards for user generated content in Bill C-10 has rightly sparked media attention, political opposition, and anger from Canadians. The Broadcasting Act reform bill is problematic for many reasons, but last week’s decision to treat all user generated content as a program subject to regulation by the CRTC was a giant step too far. As a result of the decision, the CRTC will determine what terms and conditions will be attached the speech of millions of Canadians on sites like Youtube, Instagram, TikTok, and hundreds of other services should the bill become law.

As I’ve mentioned to several reporters, this is shocking and likely unconstitutional speech regulation. We would never think of subjecting the content of the letters, emails or blog posts to CRTC regulation, yet Canadian Heritage Minister Steven Guilbeault and the Liberal government believe it is appropriate to regulate a new generation’s form of speech – TikTok videos, Instagram posts, Facebook feeds, and Youtube videos – as if they are the equivalent of broadcast programs.

The Conservative opposition has been far too acquiescent during committee hearings studying Bill C-10, but this change finally triggered a response. Heritage Critic Alain Rayes released a statement yesterday rightly noting that the Liberals were now targeting ordinary Canadians:

“Conservatives continue to oppose Liberal Bill C-10 and are voting against its main clauses in committee. While we

support creating a level playing field between large foreign streaming services and Canadian broadcasters, ***(SAFC AUTHOR: OK, more misconception from Reyes, it's C-18 that does that)*** C-10 is a bad piece of legislation giving too much power to the CRTC to regulate the internet and provides no clear guidelines for how that power will be used. Last Friday the Liberals went further than ever before by voting against the section of their own Bill that would have at least partially exempted individual users who upload videos to social media sites like YouTube and Facebook. They even promised to introduce a new amendment to regulate apps. This is another unacceptable attempt to target the freedoms of individual internet users…"

The Rayes comment sparked the usual, rote reply from Guilbeault, claiming that the Conservatives were failing to "stand up to web giants." Guilbeault judgment has been so badly clouded by his insistence on framing everything as a "web giant" issue, that he has forgotten that the job of a Canadian politician is to stand up for Canadians and their fundamental rights. Instead, reports now indicate that the decision to regulate the user generated content of millions of Canadians originated from demands by music industry lobbyists. Rather than taking a stand against those lobbyists, Guilbeault preferred to cave to their pressure and reverse his previous promise to establish guardrails against regulating user generated content.

...can do no better than the former CRTC Vice-Chair Peter Menzies quote to the National Post: "It's difficult to contemplate the levels of moral hubris, incompetence or both that would lead people to believe such an infringement of rights is justifiable."

**May 4, 2021 "Web Giants":**
https://www.michaelgeist.ca/2021/05/free-speech-under-threat-the-real-consequences-of-steven-guilbeaults-battle-with-the-web-giants/

- Bill C-10, the government's Broadcasting Act reform bill to "make web giants pay" was "steadily and stealthily working its way through the Parliamentary process" until the public seized on "the removal of a clause that exempted from regulation user generated content on social media services such as TikTok, Youtube, and Facebook. The government had maintained that it had no interest in regulating user generated content, but this reversal meant that millions of video, podcasts, and the other audiovisual content on those popular services would be treated as "programs" under Canadian law and subject to some of the same rules as those previously reserved for programming on conventional broadcast services.", "directly targeting users' content, not the Internet companies."
- Geist notes the public may support increased Internet regulation, but not at any cost, stating the government's digital policy approach has become unrecognizable since 2015, when it "promised to entrench net neutrality, prioritize innovation, focus on privacy rather than surveillance, and support freedom of expression."

"Few would dispute that an updated tech regulatory model is needed, but evidence-based policies are in short supply in the current approach. For example, the use or misuse of data lies at the heart of the power of big tech, yet privacy reforms have been curiously absent as a government priority." ... "The government has similarly done little to address concerns about abuse of competition, the risks associated with algorithmic decision-making, or the development of a modernized framework for artificial intelligence."

- He notes the US-Canada-Mexico Trade Agreement "restricts Canada's ability to even establish a new liability regime for technology companies", describes "many of the most important policy options either foreclosed or ignored" and continues:

"...the government has instead placed its largest bet on Guilbeault's promise to take on the web giants through a three-headed policy approach: broadcast regulation, online harms rules, and mandated payments for linking to news articles. While Guilbeault argues that the common thread between these initiatives is countering the big tech threat, scratch below the surface and the real commonality – as well as the bigger threat – is the implications for free speech in Canada.

The free speech risks associated with Bill C-10 have now become common knowledge. Despite a warning from Heritage officials that removing the safeguards on user generated content for Internet companies would mean that "all programming on those services would be subject to the Act", the government went ahead and voted to give the CRTC extensive regulatory powers over the everyday communications practices of an entire generation.

But the problems with Bill C-10 don't end there. Guilbeault has consistently made questionable claims about the content of the bill and how it compares to other jurisdictions. He told the House of Commons that the bill contains ***(SAFC AUTHOR:)***

- economic thresholds ***(it doesn't),***
- that it excludes news ***(it doesn't),***
- that it won't affect Canadian ownership requirements ***(it will),***
- that the entire process will be completed by the end of the year ***(it won't),***
- and that it is similar to the approach implemented in Europe ***(it isn't).***

...and notes, "These are not inconsequential misstatements."

***Geist then discusses "the much-delayed online harms legislation" as likely to be even more controversial, noting:***

- Guilbeault's desire to combat all manner of online harms, ranging from hate speech to "hurtful" comments...got dialled down to already-illegal speech such as child pornography and terrorism content.

- Legislation to target content and Internet sites and services anywhere in the world if accessible to Canadians...suggests requiring Internet providers to install blocking capabilities, creating new regulators and content adjudicators to issue blocking orders, dispensing with net neutrality, and building a Canadian Internet firewall. "If Canadians are unhappy with regulating user generated content, wait until they see the higher Internet bills that result from funding new content blocking equipment."

- Platforms expected to mandate content removals within 24 hours with significant penalties for failure to do so...due process traded for speed...reducing independent oversight and incentivizing content removal. Just about everyone thinks this is a bad idea, but Guilbeault insists "it is in the mandate letter."

- No public consultation. Guilbeault tried to justify by claiming "can participate in the committee review or in the development of implementation guidelines once the bill becomes law." This alone should be disqualifying as no government should introduce censorship legislation that **mandates website blocking**, **eradicates net neutrality, harms freedom of expression**, and **dispenses with due process** without having ever consulted Canadians on the issue."

***He then touches briefly on what is now Bill C-18, "making social media companies pay for news." and closes by calling this "***the most anti-Internet government in Canadian history."

**May 20, 2021 Not Just Big Tech:**
https://www.michaelgeist.ca/2021/05/not-just-big-techbillc10/

***It was claimed the intent of C-10 was to make "web giants" pay their fair share...***

Yet according to an internal government memo to Guilbeault signed by former Heritage Deputy Minister Hélène Laurendeau released under the Access to Information Act, the department has for months envisioned a far broader regulatory reach. The memo identifies a wide range of targets...would bring the full power of CRTC regulation over these sites and services. This includes requiring CRTC registration, disclosure of financial and viewership data, Canadian content discoverability requirements (yes, that could mean Canadian [*content*] discoverability for pornography services),

and mandated payments to support Canadian film, television, and music production. The list also notably identifies potential regulation of Youtube Music, Snapchat Originals, and other social media services whose supposed **exclusion** has been cited as the rationale to extend regulation to user generated content.

The document was obtained by Postmedia journalist Anja Karadeglija...memo states:

“Social media services like YouTube and Facebook greatly expand the number of individuals and other entities that can be said to be transmitting programs over the Internet. This provides an important limitation on the application of the Act by ensuring that under the Act the CRTC cannot regulate the audio or video communications of individuals (or other entities) simply because they use a social media service.”

The government obviously ignored the warning and removed the limitation. The document continues by identifying a **non-exhaustive** list of services that “are likely to be regulated under the Act.” The department acknowledges that some services may be exempted by the CRTC, though **there are no specifics in the bill that identify thresholds for exemptions**. Even if exempted, services may still be required to register with the CRTC and provide confidential commercial data in order to obtain an exemption. Indeed, the default approach is that all services are subject to Canadian regulation, leading to a dizzying array of regulated services identified by the department. Those mentioned in the government document include:

***...a FREAKING LONG LIST. Has to be seen to be believed.***

The document also identifies other services such as audiobook service Audible, which the department says “the CRTC could seek to implement a regime where they are required to contribute to Canadian content or creators.” Other potential targets for regulation identified in the document include home workout apps, pornography, as well as “transactional services” such as Google Play, YouTube, Cineplex, PlayStation, and AppleTV.

***To summarize the article:***

Bill C-10 is about far more than Netflix and few large tech companies...an extensive list of regulatory targets from pornography sites to podcast services...not big tech companies but could all find themselves subject to CRTC regulation.

Bill C-10 covers many news sites. While the memo specifically identifies CPAC and the BBC, the potential scope of news sites regulation is vast, covering everything from the Rebel (which sells video subscriptions) to podcast networks like Canadaland...foreign sites (BBC) ...sites with considerable audio and video and significant Canadian subscribers such as New York Times could be captured as well.

…government has also claimed that video games are excluded, yet the memo identifies apps and Sony Playstation as potential regulatory targets.

…includes dozens of sites that have nothing to do with film and television production...likely result is that services will either block the Canadian market entirely or increase prices by as much as 30 percent as a Canadian regulatory surcharge...

…list is a fraction of the potential regulatory target market...potential regulatory scope of Bill C-10 is as large as the Internet and based on this document, that is precisely what Guilbeault and the government have in mind.

**C-11 (Online Streaming Act - 2022)**

https://www.parl.ca/LegisInfo/en/bill/44-1/c-11

https://www.parl.ca/DocumentViewer/en/44-1/bill/C-11/first-reading ***(SAFC AUTHOR: First reading was February 2, 2022)***

https://reclaimthenet.org/

**March 30, 2022 Threat to Free Speech:**
https://reclaimthenet.org/canadas-internet-censorship-bill-is-a-major-threat-to-free-speech-online/

"The main criticism the bill has faced from a flurry of free speech advocates of various ideological and political persuasions is that the Canadian Radio Television and Telecommunications (CRCT), a broadcasting and telecommunications regulatory agency, will now serve as a government tool to "regulate" the internet as well, and fairly explicitly, ending the era of the open internet in Canada (although that crucial quality has been steadily eroding across the globe for years.)"

- "The bill wants to force social and other online platforms to artificially prioritize certain categories of content...diverse ethno-cultural backgrounds, socio-economic statuses, abilities and disabilities, sexual orientations, gender identities, etc."
- In 2020, Steven Guilbeault said "a new regulator will be appointed to make sure it is implemented, and "hate speech monitored".

**April 3, 2022 Russell Brand:**
https://m.youtube.com/watch?v=CoUW0iR8ewU **-** Russell Brand – We Told You - 15:38 min.
*0:49 He's reading the 'Reclaim the Net' item above.*
*3:31 Standard RB rant from here on. Refs Chris Hedges: On Being Disappeared (Substack) a good line "Challenge the official lie, and you will soon become a non-person online". Lots of quotes from Hannah Arendt, stops being interesting after those.*

**March 16, 2022 Bob Zimmer, MP**
https://www.facebook.com/bobzimmercpc/videos/bill-c-11-check-out-my-video-where-i-explain-the-history-of-both-bills-c-11-and-/486587959782398/ **– 5:25 min.**

***Summarizing, describes his video as explaining the history of C-11 and C-10*** "where they open the door for the CRTC to regulate user generated content". C-10 the predecessor originally exempted user generated content (self made youtube videos, social media etc) from regulation but Liberals removed that exemption. C-11 the current bill in Parliament supposedly fixed (put back the exemption) but not really.

"I, like you, do not trust the Libs on protecting our freedoms and this legislation opens the door for the CRTC to regulate whatever content they choose.

Please read it yourself, and some of the experts who are equally concerned as we Conservatives are and let us know what amendments could be made or if you would like us to vote against it entirely."

**Feb 3, 2022 CRTC:**
https://www.michaelgeist.ca/.../02/not-ready-for-prime-time/ An article from digital expert Michael Geist on his opinion of C-11.

***In the video he says (summarizing):***

C-10 claimed to create a level playing field between large foreign streaming services and Canadian broadcasters. Section 4.1 claimed to protect user content, so that individual youtube videos and social media videos were exempted from the regulations, this would only deal with "the big guys". This section mysteriously turned into all this user generated content potentially being regulated by the CRTC.

1:37 C-11 comes, says 4.1 ...

1:49, 4.2 applies (*he reads*) opens the door for CRTC to regulate anything they want. Quotes from Michael Geist, says up to the CRTC to decide what is exempted. Very concerned where this is heading. Read the bill and the Michael Geist

article, he says, and "reach out to us" He explains the process, that once the bill goes to committee after 1st reading, there is an opportunity to change, offer opinions--or should they just vote it down? Discusses links provided.

**Feb 3, 2022 Kill the Bill and Start Over:**
https://dwmw.wordpress.com/2022/02/03/still-not-dead-why-we-need-to-kill-bill-c-11-the-online-streaming-act-and-start-over/

The biggest problem...bill's drafters and backers are still trying to see the Internet-centric communications and media environment through yesteryear's broadcasting prism.

"...bill is all about content, and says nothing at all, really, about concentration in digital markets or the surveillance capitalism model that has, in essence, wrecked the Internet."

**The Good**
On the surface, the aim of Bill C-11…is to bring influential streaming television, film and music services such as Netflix, Crave, Disney+ and Spotify under the *Broadcasting Act* and the authority of Canada's communication and media regulator, the Canadian Radio-television and Telecommunications Commission (CRTC).

"...restores the explicit exemption for people who use social media services from it—and the CRTC's—reach (sec. 2.1) and for the content (redefined as programs) that they upload to such a service (sec. 4.1). On the surface, this responds to the firestorm of criticism ignited around questions of free speech when a similar clause was removed midway through debates over C-10."

"The technical briefing notes distributed by Canadian Heritage emphasize the point, "**Regulation will not apply to individual creators, streamers or influencers** or social media services themselves in respect of the **amateur programs** posted by their users" (DCH, 2022, p. 8, **emphasis in original**)."

"...bill does not make social media services responsible for the content people make available through online services (but see the exceptions below) (sec. 2.2). Bill C-10 had no such measure and some groups like Friends of Canadian Broadcasting, amongst others, have been pushing the idea that platforms should be responsible for people's expressions on their services just like broadcasters are responsible for the editorial choices they make and the content they commission. In other words, while social media companies might be media companies—rather than just 'mere conduits' or platforms—they are not broadcasters, with all the means with respect to exercising control and responsibility over what people do and say on their services."

"Online streaming services such as Netflix, Crave, Amazon, Disney+ and Spotify, however, as online broadcasting undertakings (see below), will be responsible for programs commissioned by and/or distributed on their services. Conceivably, this would give the CRTC a role vis-à-vis Spotify and the current, red-hot controversy over its hosting of right-wing provocateur Joe Rogan (sec. 4a). This follows from, as we will see in a moment, the fact that Spotify would fit the definition of an online broadcasting undertaking. The upshot is that speech would be regulated in such instances but within an explicitly articulated legal and regulatory framework and against the backdrop of the Charter protections for freedom of expression and the press.

"...Bill C-11 now gives pride of place to freedom of expression and values of the free press by putting it at the top of the list of the *Broadcasting Act* reform bill's objectives (sec. 3(a)). Given the case just outlined—and the realities of the world around us at this fraught time in the history of democracy in general as well as Canadian democracy in particular–I believe that this is a very good thing. *(SAFC AUTHOR: And forgive me, I think this guy's an idiot.)*

**The Bad and The Ugly**

“...the regulatory framework the bill proposes still tries to force-fit issues arising from the Internet, streaming services and social media platforms into the broadcasting mold...tries to bend these new entities and ways of organizing the media business backwards into the definition of broadcasting.”

“...sweeps a whole new category of media into its ambit: music services.”

“...the *Act* redefines *all* forms of expression/content/speech that people upload and make available over an online streaming service or social media platform as a “program”. So, while individual social media users will not be directly regulated (but see below), their expressions, pictures, messages, life history, etc. will now be defined as a broadcasting program and in some cases regulated as such (see DCH, 2022, p. 11). In other words, while individual users (speakers) are out, it appears that the content of their expressions are within the reach of the *Broadcasting Reform Act* while whether or not they will be specifically regulated by the CRTC will turn on a number of criteria set out in the bill.

“...this exercise in redefining “broadcasting programs” threatens to smuggle in through the backdoor what the bill explicitly says is being excluded: expressions/content that people upload to a social media service. The slippage in the technical briefing notes handed out yesterday, and Minister Rodriguez’s comments in the media between a clear and emphatic emphasis on how social media *users* will be excluded from the bill—and the CRTC’s—reach without a consistent and similar emphasis on how their expressions/speech/content, and the re-labelling of such as “programs, will be treated further muddies the waters on this issue.”

In other words, while individual users (speakers) are not covered by the proposed law, it appears that the content of their expressions—redefined as programs—are within the reach of the *Broadcasting Reform Act* but whether or not they will be specifically regulated by the CRTC will turn on three specific criteria set out in the bill.

“...explicit that **only programs**—that is, all kinds of expression uploaded to a platform—that meet the following three criteria will fall under the reach of the CRTC:

1. generate revenue;

2. are broadcast or made available on more than one service that is either licensed by or registered with the CRTC;

3. have some kind of an international service identifier tied to it, such as ISO number (sec 4.2(2).

The intent of these criteria is to give the CRTC the tools it needs to distinguish between the programs that will fall under its authority versus those that will not. The goal is to distinguish between professional, commercially-driven media content and content creators versus everybody else who will be left untouched. The distinction itself is consistent with the European Union’s Audiovisual Media Services Directive, which much of this bill’s design and justification rests on, but both, these specific criteria and the line that they are supposedly meant to draw between professional, commercial programs versus people’s everyday online activities, are muddled. Too many conceptual contortions are required just to follow the plot and to serve as a steady guide.”

“...CRTC chairman Ian Scott has repeatedly said that the Commission has no interest in regulating social media, but he has also prevaricated by pointing to just how broad the existing definition of broadcast program already is. In other words, Scott is saying that Commission could already do what this bill contemplates but won’t because it does not want to. That is not good enough. His assurances, moreover, rings hollow given statements made by the Executive Director, Broadcasting, at the CRTC, Scott Hutton, to the ETHI committee in 2018 that suggest otherwise.”

“Once a “program” delivered over Internet meets those three criteria, the specific obligations that an online platform service (online broadcasting undertaking) would have to meet are, as with the last bill, left to the CRTC to decide. Things that it would be able to decide on include:

• the amount of Canadian content in an online streaming services catalogue.

• the amount of money they would have to invest in Canadian programming.

• promote the accessibility of programming in English and French and in terms of accessibility for people with disabilities (see sec 3(4).

C-11 also extend the CRTC's order making power to these online content services (sec. 7(7). It would also give it the power to imposed "administrative monetary penalties" (AMPs) (Part II.2)."

The major problem in all of this is that Bill C-10, like its predecessor, punts far too much power and rule-making authority to the CRTC. Moreover, it does so precisely at a moment in time when neither the current chair or the Commission writ large seem to have the resources, inclination or leadership to cover the existing mandate to effectively regulate telecoms and broadcasting in the public interest. Adding additional matters on to the CRTC's remit in this context is inappropriate."

"...in a recent decision that could have opened the door for greater public oversight of algorithms and artificial intelligence capabilities being deployed by Canada's telecoms operators, the CRTC slammed the door shut on that prospect while also making it next-to-impossible for independent scholars to effectively know the crux of the issues at stake and, thus, to effectively participate in the proceeding, period."

"Moreover, the CRTC's ability to take on new tasks is compromised by the fact that its own data on online content services over the past several years has been badly flawed and based on cherry-picked evidence that, in hindsight, has been revealed to be grossly over-stated, seemingly as part of its own ongoing campaign to expand its turf in exactly the way Bill C—11 contemplates. The Commission has acknowledged as much by restating previous year's data for several years running now (see CMCR Project, 2021, for example). In short, the Commission now lacks the credibility and trust upon which the successful execution of the tasks that Bill C-11 assigns to it depends.

**The Neglected/Ignored**
"...what is missing from this bill? Five things stand out."

1) clear thresholds for determining what's in and outside its scope. Both EU and US use things like size of the user base and market capitalization, EU proposed legislation...only covers a well targeted set of "very large online platforms" (VLOPs), while in the U.S., current bills before Congress speak of "covered platforms" should have been included in Bill C-11. ...put the CRTC on a shorter leash and hold it more accountable to Parliament."

2) no clear and robust information disclosure obligations that would apply to the services brought under the Act and CRTC authority...[to] allow better understanding of streaming services & online platforms activities...and their decision-making processes.

3) continues to feature a stunted view of "discovery" that is primarily about pushing more Canadian content (Cancon) in front of more Canadians' eyeballs. Applying a "...more progressive view, instead of forcing CanCon to rise to the top, as the broadcasting-driven Bill C-11 does, discoverability would focus on opening the complex technical communication and media systems that increasingly influence access to and the presentation of expression online to greater public scrutiny and regulatory oversight...back-peddles on the issues of greater algorithmic transparency and information disclosure by introducing new limits on the CRTC's access to the algorithms and source code at the heart of the online streaming and platform services".

4) does nothing to establish privacy and data protection rules.

5) adds momentum to the surveillance capitalism imperatives that are the taproot of so many of the problems that now characterize the digital online environment, it does nothing to address issues of market dominance and anti-competitive conduct. In other words, by fixing its eyes on content issues, the bill accepts the status quo and leaves problems of digital market dominance where it does exist unscathed.

… As app stores, such as Google Play and Apple's App Store, as well as digital platforms, such as Amazon Prime Video, Crave, Netflix and Apple TV and iTunes, operating in a way similar to cable television, IPTV (internet protocol television) and direct-to-home satellite providers (all BDUs in official CRTC-speak), these issues will become more important. That they are ignored here is, while not surprising, is a big mistake and a fatal weakness of C-11, like its predecessor. In sum, just as the previous bill did, C-11 leaves the problematic system of market power & surveillance capitalism intact...stands as an index of just how one-sidedly fixated on broadcasting and content issues this bill is, and the extent to which the Canadian cultural policy community continues to have a strangehold on the government's policy and regulatory agenda. That the drafters of C-11 have ignored these issues is an index of a bill that still, for the most part, has its head stuck in the sand.

To sum up, the Liberal government had an opportunity to go back to the drawing board & really get this opening plan in its emerging Internet services regulation right. It had/has a huge opportunity to align this agenda with what a new generation of public interest, Internet regulation fit for a democracy should look like. It made some baby steps in this direction, as we saw above, but it did not engage in thorough-going overhaul that is needed. As a result, C-11 stands as another missed opportunity.

"The new bill, now billed the Online Streaming Act, restores one exception but adds a new one, leaving the door open for CRTC regulation...everything from podcasts to TikTok videos fit neatly into the new exception that gives the CRTC the power to regulate such content as a "program".

"...CRTC won't regulate specific algorithms as part of its discoverability orders" ***(SAFC AUTHOR: but can dictate what results it wants the algorithms to produce.)***

"...CRTC has been granted enormous regulatory power over Internet services around the world given that the bill's jurisdictional scope features few boundaries."

"Three issues in Bill C-11 immediately stand out. First, the question of regulating **user generated content**, referred to in the bill as content uploaded to a social media service. ...C-10 originally excluded regulating individual users as broadcasters (section 2.1) and their content as programs (section 4.1). The government removed the content exception last April, meaning that while users would not be regulated like broadcasters, their content could be treated as a "program" subject to CRTC regulation. These regulations included discoverability requirements that would allow the CRTC to require platforms to prioritize certain content ***(and effectively de-prioritize other content).***

So how does Bill C-11 address the issue? As a start, the section 4.1 exception for treating user content as programs subject to potential regulation has been restored. When combined with the return of section 2.1 exempting users from being treated as broadcasters, the government is now claiming that it "listened, especially to the concerns around social media, and we've fixed it." But dig a little deeper and it turns out that the bill is not quite as advertised. While Section 4.1 was restored, the government has added 4.1 (2), which creates an exception to the exception. That exception to the exception – in effect a rule that does allow for regulation of content uploaded to a social media service – says that the Act applies to programs as prescribed by regulations that may be created by the CRTC.

The bill continues with a new Section 4.2, which gives the CRTC the instructions for creating those regulations. The result is a legislative pretzel, where the government twists itself around trying to regulate certain content. In particular, it says the CRTC can create regulations that treat content uploaded to social media services as programs by considering three factors:

- whether the program that is uploaded to a social media service directly or indirectly generates revenue
- if the program has been broadcast by a broadcast undertaking that is either licensed or registered with the CRTC
- if the program has been assigned a unique identifier under an international standards system

The law does not tell the CRTC how to weigh these factors.

...CRTC is empowered to create regulations to treat content uploaded to social media services as programs with three criteria to consider...content that is only comprised of images or generates no revenue is excluded. That means non-commercial user generated content is out, but [*Geist says*] the government clearly has a particular issue in mind, namely music on Youtube. Indeed, Rodriguez specifically cited the example of treating a song on Spotify and the same song uploaded to Youtube in an equivalent manner.

The problem is that the government has not limited Bill C-11 to that individual use case. Instead, the three criteria can be applied broadly to many other issues. For example, TikTok videos are uploaded to the service and may generate indirect revenue, the content is available on licensed or registered services, and the music likely has a unique identifier. The same is true for podcasts, which can generate revenue, are often available on registered platforms, and may feature an identifier. Given the broad scope, any podcast platform could be caught by the rules and the individual podcasts would be treated as “programs” under CRTC regulation.

What can the CRTC do from a regulatory perspective to these programs? The two major powers – both holdovers from Bill C-10 – require platforms to make contributions to be determined (likely financial payments) and to enhance the discoverability of Canadian content. On the discoverability front, the bill makes it clear that the CRTC should ensure that any orders are “consistent with freedom of expression enjoyed by users of social media services” (Section 10.1) and it shall not make an order “that would require the use of a specific computer algorithm or source code” (Section 9.1(8)). Left open to the CRTC, however, is the ability to require platforms to prioritize some content over others, whether that is a particular podcast, music genre, or video content. Similarly, the Commission may not tell the platform specifically how to adjust the algorithm but that is a distinction without a difference since it can issue orders on the end result as it is presented to subscribers or users.

In fact, Bill C-11 actually expands the CRTC’s powers over user generated content and online undertakings in another important way when compared with Bill C-10. As Bill C-10 made its way through the legislative process, new provisions were added to limit the scope of CRTC orders and regulations over online undertakings and user generated content (Sections 9(3.1) and 10(4)). Those limits have been removed from Bill C-11, which once again opens the door to a far more aggressive CRTC regulatory approach. This includes the prospect of CRTC standard setting as it advances its new media regulation agenda.

Views on the scope of this regulatory approach may vary, but it is undeniable that:

(1) regulating content uploaded to social media services through the discoverability requirement is still very much alive for some user generated content;

(2) the regulations extend far beyond just music on Youtube;

(3) some of the safeguards in Bill C-10 have been removed; and (4) the CRTC is left more powerful than ever with respect to Internet regulation.

Second, in addition to the continued regulation of some Internet content as programs under CRTC rules, the remarkable scope of the bill also remains unchanged. Readers may recall an internal government memo that identified a wide range of targets for Bill C-10 regulation. In fact, the memo noted that bill could cover podcast apps such as Stitcher and Pocket Casts, audiobook services such as Audible, home workout apps, adult websites, sports streaming services such as MLB.TV and DAZN, niche video services such as Britbox, and even news sites such as the BBC and CPAC. The potential **scope for regulation is virtually limitless since any audio-visual service anywhere with Canadian subscribers or users is**

**caught by the rules**. Bill C-11 maintains the same approach with no specific thresholds or guidance. In other words, the entire audio-visual world is fair game and it will be up to the CRTC to decide whether to exempt some services from regulation.

Third, the uncertainty found in Bill C-10 is also largely unchanged. Bill C-11 tries to include some criteria for defining key provisions such as the user-generated content exception and what constitutes a Canadian creator, but ultimately there's still no easy way to identify Canadian creators when it comes to user generated content, podcasts, or other similar content. Some key terms such as 'social media' are widely used in the bill but not defined at all. Simply put, no one knows how these companies will comply, much less how users will be identified as Canadian for the purposes of the law. The benefits themselves are also uncertain since the CRTC is left to determine many of the requirements in processes that may take years to complete.

There was an opportunity to use the re-introduction of the bill to fully exclude user generated content (no other country in the world regulates content this way), limit the scope of the bill to a manageable size, and create more certainty and guidance for the CRTC. Instead, the government has left the prospect of treating Internet content as programs subject to regulation in place, envisioned the entire globe as subject to Canadian broadcast jurisdiction, increased the power of the regulator, and done little to answer many of the previously unanswered questions. The bill is not ready for prime time and still requires extensive review and further reform to get it right.

**May 19, 2022 Standing Committee on Canadian Heritage:**
https://www.michaelgeist.ca/2022/05/crtc-chair-confirms/

***From May 18th, an exchange between CRTC Chair Ian Scott and Conservative MP Rachael Thomas, at the Standing Committee on Canadian Heritage:***

Thomas: ... So all these individuals are individual users creating content. It would appear that the bill does, or could in fact, capture them, correct?

Scott: As constructed, there is a provision that would allow us to do it as required.

While Scott continued by arguing that the Commission already has equivalent regulatory powers and is not interested in regulating user content, the confirmation that Bill C-11 currently does cover user generated content should put an end to the government's gaslighting that it does not.

Continuing:

Scott was also asked about how long it would take to implement Bill C-11. Canadians may recall that former Heritage Minister Steven Guilbeault implausibly claimed that it would take nine months to complete the process. Not so, said Scott in an exchange with Conservative MP John Nater:

Nater: I'm curious what timeline you see from the time Bill C-11 is passed and receives royal assent to when it is fully implemented. What's the best-case scenario for the CRTC to have that fully implemented?

Scott: To say when it will be fully implemented is very difficult. I think the first stages of setting up the broad parameters – the regulatory regime, who will contribute, who is caught, how much, major definitions – those things should be done reasonably within a year. But there are many other more technical aspects – transition, licences from five year to seven years they will all need to be changed, there are a set of regulations that have to be passed that are beyond the control of the CRTC. If I had to put a number on it, I think it could be fully implemented in two years.

...Even if the bill was passed quickly (which the government is trying to do with a pre-study in the Senate that will limit hearings), it would still take until at least 2024 for the CRTC to address many of the unanswered questions in the bill.

Further, the CRTC process is unlikely to be the final say in the matter as the possibility of cabinet or judicial appeals means that the system could take many more years to become operational.

**May 4, 2022 Covers User Generated Content:**
https://www.ctvnews.ca/politics/youtube-says-bill-could-cover-user-generated-content-despite-minister-s-assurances-1.5888545

OTTAWA - YouTube has warned that cooking videos made in people's kitchens and other home videos could be regulated by an online streaming law, despite assurances from the heritage minister that this will not happen.

Speaking publicly for the first time about Bill C-11, Jeanette Patell, head of government affairs at YouTube Canada, said the draft law's wording gives the broadcast regulator scope to oversee everyday videos posted for other users to watch.

She told the National Culture Summit in Ottawa that the bill's text appears to contradict Heritage Minister Pablo Rodriguez's public assurances that it does not cover amateur content, such as cat videos.

The issue of whether the bill covers user-generated videos is likely to be closely discussed by MPs when the proposed legislation, which is passing through Parliament, goes to committee for closer scrutiny.

The online streaming bill, known in Parliament as Bill C-11, contains a clause excluding from regulation videos uploaded by a user for other users to watch.

It is followed by qualifying clauses saying the Canadian Radio-television and Telecommunications Commission can make regulations relating to "programs," which YouTube claims would give the regulator the discretion and scope to oversee a wide range of content, including home videos.

Patell told the summit that if the government wants an "option in the future" to regulate YouTube users' videos, "that's a conversation we need to have."

"It's incumbent on us to have clarity in the law," she told the summit.

Patell indicated that YouTube accepts that full-length professional music videos should fall within the bill's scope, but she said she wants the legal text of the bill to explicitly reflect the minister's insistence that amateur videos will be exempt.

In February, when the bill was unveiled, Rodriguez said "cat videos" or social-media "influencers" would not be covered by it.

A spokeswoman for the minister said the government has been very clear that user-generated content does not come within the scope of the bill and the text reflects that. ***(SAFC AUTHOR: Not clearly enough...)***

"We have been extremely clear: Only platforms have obligations. Users and creators will not be regulated. Platforms are in, user-generated content is out," said Laura Scaffidi.

The bill would make online streaming platforms, such as Netflix, Spotify and YouTube, promote a certain amount of Canadian content and contribute financially to the Canadian cultural sector.

It also gives the CRTC wider powers over digital platforms, so they are regulated along with traditional broadcasters.

Patell said in an interview that the bill "provides the CRTC the discretion to regulate user-generated content like a fan doing a cover song or someone making cooking videos in their kitchen or doing how-to-fix-a-bike videos."

Jack Blum of Reel Canada, which created National Canadian Film Day, said regulations making global platforms promote Canadians' creative work are essential because otherwise Canadian stories are "extremely difficult to find."

"The vastness of the platform makes it virtually impossible to have a presence with Canadian stories," he said. "The marketplace will not service Canadians because Canadians are not a big enough piece of the market."

**C-18 (Online News Act)**

https://www.parl.ca/legisinfo/en/bill/44-1/c-18

An Act respecting online communications platforms that make news content available to persons in Canada. Proposed in Nov 2021. **First reading: April 5, 2022** https://www.parl.ca/DocumentViewer/en/44-1/bill/C-18/first-reading

(b) authorizes the Governor in Council to make regulations respecting those factors

(d) requires the Canadian Radio-television and Telecommunications Commission (the "Commission") to maintain a list of digital news intermediaries in respect of which the enactment applies

(e) requires the Commission to exempt a digital news intermediary from the application of the enactment if its operator has entered into agreements with news businesses and the Commission is of the opinion that the agreements satisfy certain criteria;

***So a "digital news intermediary" (DNI) is exempt, if its operator enters into 'satisfactory' agreements with "news businesses", as the CRTC evaluates these. This loosely points to DNIs being platforms...***

(f) authorizes the Governor in Council to make regulations respecting how the Commission is to interpret those criteria and setting out additional conditions with respect to the eligibility of a digital news intermediary for an exemption;

(j) prohibits digital news intermediary operators from acting, in relation to certain news content, in ways that discriminate unjustly, that give undue or unreasonable preference or that subject certain news businesses to an undue or unreasonable disadvantage;

***"Certain news businesses" works out to mean "qualified Canadian journalism as defined in subsection 248(1) of the Income Tax Act, ie., one granted QCJO designation. Organizations must apply, applications are reviewed by the CRA, in consultation with the Advisory Board which recommends to the Minister (delegated CRA officials) on "elements of the legislation dealing with original news content and journalistic processes and principles". There are no formal rights to appeal refusal. The organization may request reconsideration by the CRA within 60 days, but if the original decision does not change, it's off to the Federal Court of Canada. Note in passing, this is the outfit which recently refused Rebel News designation, leading to their request for judicial review. Points to "eligible news business" being one which***

(b) produces news content that is primarily focused on matters of general interest and reports of current events, and

(i) regularly employs two or more journalists in Canada

(ii) operates in Canada, including having content edited and designed in Canada, and

(iii) produces news content that is not primarily focused on a particular topic such as industry-specific news, sports, recreation, arts, lifestyle, or entertainment

(k) allows certain news businesses to make complaints to the Commission in relation to that prohibition;

(l) authorizes the Commission to require the provision of information for the purpose of exercising its powers and performing its duties and functions under the enactment;

(m) establishes a framework respecting the provision of information to the responsible Minister, the Chief Statistician of Canada and the Commissioner of Competition, while permitting an individual or entity to designate certain information that they submit to the Commission as confidential;

**Duty to provide information**

**53** An operator or news business must, at the request of the Commission and within the time and in the manner that it specifies, provide the Commission with any information that it requires for the purpose of exercising its powers or performing its duties and functions under this Act.

**(n)** authorizes the Commission to impose, for contraventions of the enactment, administrative monetary penalties on certain individuals and entities and conditions on the participation of news businesses in the bargaining process;

The Spin:

- To support media business in Canada and make it look like corporations will foot the bill.
- To favor Canadian content and Canadian heritage.

The Reality:

- To support government-friendly media only.
- To increase regulation of the free flow of information and diminish what they deem to be disinformation or non-friendly government press coverage.
- To give the government a great deal of power to tie up any media outlets they don't like in red tape.

***SAFC AUTHOR Notes: The Act is all about regulating "digital news intermediaries" and "eligible news businesses", neither of which is defined with great clarity.***

**"Digital news intermediaries"** = "a search engine or social media service that makes news content produced by news outlets available to persons in Canada," and "It does not include an online communications platform that is a messaging service the primary purpose of which is to allow persons to communicate with each other privately." *Discussions all seem to focus on Facebook* ***(though presumably not its messenger app) and Google (so presumably all other search engines, eg., DuckDuckGo?) but not clearly Twitter? At a guess that's because while enormous numbers of tweets may link to news outlets, it isn't Twitter that's making the news content available. Not clear.***

***"Eligible news businesses" = translated, those blessed as QCJOs***

From Section 18, a prescribed, detailed bargaining process is laid out, *with the intensity of a Big Nanny overseeing the play between each digital news intermediary and one or more infantile news businesses.* ***Basically, setting up Nanny CRTC to apply what Michael Geist calls "shakedown subsidies".***

**May 19, 2022 Liberal Govt. Media Subsidy:**
https://www.westernstandard.news/news/liberals-say-a-bankrupt-press-is-not-a-free-press/article_97977d60-d6bf-11ec-bf2c-3bc9f98c5ac6.html

***Like Michael Geist's description of "shakedown subsidies".***

The Liberals say Canadians need credible, independent and reliable information from media sources and that a bankrupt press is not a free press.

In a debate at the House of Commons on Tuesday, Liberal MP Chris Bittle (St. Catharines-Ontario) says there is no real democracy without a free and independent press in Canada.

..."A bankrupt press is not a free press," Bittle said. "To play its part the press needs to make money to operate and said this is the purpose of Bill C-18. Fundamental role, the press needs revenue

...this principle is at the core of Bill C-18, and it is at the core of the Liberals approach to supporting strong and independent journalism."

...digital media platforms do not compensate media when they use their content."

According to the Liberals advertising dollars have left Canadian media. The Liberals currently fund a $50 million Local Journalism Initiative, a $595 million newspaper bailout, and the $60 million pandemic-specific Emergency Support Fund.

Also, the Liberals added a $10 million "Special Measures for Journalism" top-up for 2021-22.

The Western Standard refuses to accept any government funding whatsoever.

Conservative MP Garnett Genuis (Sherwood Park- Fort Saskatchewan) was the first to stand with a question for the Liberals concerning Brittle's comments on Bill C-18 at Tuesday's debate.

"I have just a simple question for the parliamentary secretary about the discussion around spreading misinformation and disinformation. Is 'spreading misinformation' simply a fancy way of saying 'telling a lie'? Does it mean the same thing as telling a lie, or does it mean something different?" Genuis said.

Bittle quickly replied: "I am not sure what the honourable member is getting at."

**Bill C-46 (2021) ("Online Hate")**

**April 22, 2022 Trudeau vs. Twitter:**
https://torontosun.com/opinion/columnists/trudeau-online-censorship

**"Trudeau hid public criticism of his online censorship plan – That sort of secrecy is one reason we should reject it"**

When the Trudeau government proposed introducing a "digital harms" bill last year, the response was swift and negative.

Sold by the Liberals as a way to make the internet safer and remove illegal content, it was widely denounced as a plan to give sweeping and draconian powers to the government akin to censorship." ***("Akin"--seriously? More like "identical".)***

"Faced with such widespread criticism, the government said they would go back to the drawing board and then to show everyone they were still all about openness and transparency, they hid most of the negative reaction they received. Imagine trying to assure people that your government wouldn't engage in politically motivated removal of material online by hiding criticism of your government.

This past week, the critical proposals were released through an Access to Information request forced on the government by University of Ottawa law professor Michael Geist. This is not a minor point as Geist himself pointed out.

"The government's determination to keep the consultations submissions secret until compelled to disclose them by law eviscerates its claims to support open, transparent government. There is simply no good reason to use secrecy as the default for a government consultation," Geist wrote.

Especially not when you have been accused of wanting to expand government surveillance and censorship powers across the internet. These public submissions should have been readily available for all to see, but perhaps they were embarrassed by Twitter comparing the government's actions to dictatorships.

***The Twitter response quote:***

"The proposal by the government of Canada to allow the Digital Safety Commissioner to block websites is drastic. People around the world have been blocked from accessing Twitter and other services in a similar manner as the one proposed by Canada by multiple authoritarian governments (China, North Korea, and Iran for example) under the false guise of 'online safety,' impeding peoples' rights to access information online."

"ISSUE: PROACTIVE MONITORING AND "FLAGGING HARMFUL" CONTENT

Twitter's view is the framework proposed (beginning in module 1B of the technical paper) for proactive monitoring of content sacrifices freedom of expression to the creation of a government run system of surveillance of anyone who uses Twitter."

***Lilley continues:***

There were 422 submissions, nearly universally critical of the proposed measures, including appointing a Digital Safety Commissioner. Yet the government's own report on the feedback they received, called What We Heard and released earlier this year, makes it sound like there were some concerns raised but that it wasn't that bad.

...not the Trudeau government's first attempt to regulate the internet and it won't be their last. While paying lip service to freedom expression as guaranteed in the Charter, the Liberals have shown a tendency towards Orwell's Big Brother.

https://www.canada.ca/en/canadian-heritage/campaigns/harmful-online-content/what-we-heard.html#a1

**Key Takeaways and Executive Summary:** On July 29th, 2021, the Government of Canada published a legislative and regulatory proposal to confront harmful content online for consultation on its website. Interested parties were invited to submit written comments to the Government via email.

Feedback both recognized the proposal as a foundation upon which the Government could build and identified a number of areas of concern.

There was support from a majority of respondents for a legislative and regulatory framework, led by the federal government, to confront harmful content online.

Specifically, respondents were largely supportive of the following elements of the proposed regime:

- A framework that would apply to all major platforms;
- The exclusion of private and encrypted communications and telecommunications services;
- Accessible and easy-to-use flagging mechanisms and clear appeal processes for users;
- The need for platform transparency and accountability requirements;
- The creation of new regulatory machinery to administer and enforce the regime;
- Ensuring that the regulatory scheme protects Canadians from real-world violence emanating from the online space; and
- The need for appropriate enforcement tools to address platform non-compliance.

However, respondents identified a number of overarching concerns including concerns related to the freedom of expression, privacy rights, the impact of the proposal on certain marginalized groups, and compliance with the *Canadian Charter of Rights and Freedoms* more generally.

These overarching concerns were connected to a number of specific elements of the proposal. Respondents specifically called for the Government to reframe and reconsider its approach to the following elements:

- Apart from major platforms, what other types of online services would be regulated and what the threshold for inclusion would be;
- What content moderation obligations, if any, would be placed on platforms to reduce the spread of harmful content online, including the 24-hour removal provision and the obligation for platforms to proactively monitor their services for harmful content;
- The independence and oversight of new regulatory bodies;
- What types of content would be captured by the regime and how that content would be defined in relation to existing criminal law;
- The proposed compliance and enforcement tools, including the blocking power; and
- Mandatory reporting of content to law enforcement and national security agencies or preservation obligations.1

Though respondents recognized that this initiative is a priority, many voiced that key elements of the proposal need to be re-examined. Some parties explained that they would require more specificity in order to provide informed feedback and that a lack of definitional detail would lead to uncertainty and unpredictability for stakeholders.

Respondents signaled the need to proceed with caution. Many emphasized that the approach Canada adopts to addressing online harms would serve as a benchmark for other governments acting in the same space and would contribute significantly to international norm setting.

***(SAFC AUTHOR: Yeahhhh...no kidding.)***

**April 23, 2022 Criticism from Liberal Supporters:**
https://torontosun.com/news/national/indigenous-racialized-lgbtq-groups-and-sex-workers-criticize-online-hate-bill

“Members of the LGBTQ community, Indigenous people and racialized groups fear a proposed law tackling online harm could disproportionately curtail their online freedoms and even make them police targets, responses to a government consultation have warned.”

...could lead to marginalized groups, including sex workers, being unfairly monitored and targeted by the police.

...would give the Canadian Security Intelligence Service (CSIS) expanded powers to obtain subscriber information from companies. Online platforms may also have to report some posts to the police and security services.

...The law would be designed to clamp down on hate speech and abuse — including against women and racialized, Jewish, Muslim and LGBTQ Canadians — by blocking certain websites and forcing platforms to swiftly remove hateful content.

But Canadians from some of these groups said the internet is one of the few platforms where free speech is possible for them and that the law could curtail their rights.

Darryl Carmichael, from the University of Calgary’s law faculty, said in his response that the law risks curbs on racialized and marginalized groups, and could lead to their posts being misconstrued as harmful.

“Black Lives Matter posts have been mistakenly labelled hate speech and removed,” he said, warning that posts such as those raising awareness of missing and murdered Indigenous women and girls could also be removed.

“The result is that the voices of the very groups you seek to protect would be further isolated,” he said.

Sex workers from across Canada warned that such a law could lead to sites they use to carry out safe sex work online being shut down if they are captured by curbs on harmful online sexual content. They also raised fears of risk of arrest because of remarks made in their online sex work.

...Some Indigenous people feared the bill could give more power to law enforcement agencies to target them, their speech and protest activities.

The National Association of Friendship Centres, a network of community hubs offering programs and supports for urban Indigenous people, said “Indigenous-led organizing, community and resistance have flourished online,” with protests about “resource extraction and development” relying on social media as “a significant part of their communication strategy.”

“These acts of resistance would easily be framed as anti-government or manifestations of Indigenous cyberterrorism,” it said in its submission, warning of a “risk of governing bodies weaponizing this legislation to identify protests as anti-government.”

Experts say an artificial intelligence algorithm may just pick on keywords, rather than the context or nuance of online remarks, leading to their being misconstrued and triggering the involvement of law enforcement.

Michael Geist, the University of Ottawa's Canada Research Chair in internet law, who obtained the consultation documents through an access to information request, said "leveraging AI and automated notifications could put these communities at risk."

He said the level of criticism in the consultation, which includes a string of submissions complaining about curbs on freedom of speech, should be a "wake-up call for the government" that they are taking the wrong approach.

The National Council of Canadian Muslims warned that the government plans could "inadvertently result in one of the most significant assaults on marginalized and racialized communities in years."

Richard Marceau of the Centre for Israel and Jewish Affairs said a new law clamping down on online hate is necessary, but it "should be properly calibrated to combat hate and make sure that freedom of expression is fully protected."

The centre's submission said it is important that the involvement of law enforcement is proportionate and appropriate.

Laura Scaffidi, a spokeswoman for the heritage minister, said the government "took what we heard from Canadians seriously during the consultation that took place last year," which is why it has appointed an expert advisory group on how to tackle harmful online content.

"We know this is an important issue for Canadians," she said. "We will take the time we need to get this right."

**Global efforts at online regulation**

**Recently at Trudeau's speech to European Union Parliament**
**Translated from French:** "In Canada, our government is currently developing new legislation to combat online harm. This year, Canada is chairing the Coalition for Online Freedom, and we plan to focus on protecting human rights, inclusion and diversity in the digital space."

***Leading the way to REGULATE the internet – Not sure they understand what Freedom means…***

Coalition for Online Freedom OR Freedom Online Coalition – recently mentioned at European Union Parliament Mar 23, 2022 - Canada will be chairing this committee

The Coalition was established in 2011 at the inaugural Freedom Online Conference in The Hague, the Netherlands at the initiative of the Dutch Foreign Ministry. Today the Coalition has 34 members, spanning from Africa to Asia, Europe, the Americas, and the Middle East.

https://freedomonlinecoalition.com/
https://freedomonlinecoalition.com/wp-content/uploads/2022/03/FOC-Joint-Statement-on-Spread-of-Disinformation-Online.pdf
The FOC strives to drive concrete policy solutions through the shaping of global normative language via diplomatic coordination and multistakeholder engagement.

Advisory Network - The Coalition identified as a priority the need to create a strong mechanism for ongoing multistakeholder engagement. The FOC Advisory Network (FOC-AN) was established to play that role through regular engagement with FOC governments.

https://freedomonlinecoalition.com/foc-documents/
By joining the Coalition, its members commit to upholding and advancing the Coalition's shared goals and values, as stated in its underpinning documents.

An open and free Internet is a key means by which individuals can exercise their right to freedom of opinion, expression, association and assembly. However, these freedoms **are not absolute and may be at odds with the rights of others**. In

furthering Internet freedom, the main question for governments is thus how to foster the continued evolution of an Internet ecosystem that supports human expression and knowledge sharing, while protecting interests such as privacy and security.

***Maybe they SHOULD LET IT BE if they actually want it TO BE FREE. (But they don't)***

**May 3, 2022:** https://www.westernstandard.news/alberta/morgan-canadas-rank-on-the-press-freedom-index-plummets/article_f07dc416-cb20-11ec-b7e1-cbcd6955ccb0.html Happy World Press Freedom Day! We're down from 5th place in 2002, to 19th place now, behind Estonia and Jamaica.

***It seems worth adding a cautionary note from Konstantin Kisin, from an article reacting to Elon Musk's proposed acquisition of Twitter:***

**April 26, 2022 Twitter:**
https://konstantinkisin.substack.com/p/can-elon-make-twitter-great-again?utm_source=%2Fprofile%2F13247845-konstantin-kisin&utm_medium=reader2&s=r

From his Substack article "**Can Elon Make Twitter Great Again? I Have My Doubts":**

"Five centuries ago, the invention of the printing press fuelled the Renaissance and powered the Scientific Revolution but it also gave an amplified voice to fringe views, sparked centuries of religious war and made possible the murderous revolutions of the 18th century.

Imagine you were one of the people whose power, wealth and very survival depended on preventing the spread of corrupting "misinformation" via the printing press. And imagine that rather than needing to physically seize and destroy the offending material and the equipment used to produce it, all you had to do instead was to press a few buttons to prevent these marginal voices from wreaking havoc on society.

Better still, what if you, Louis XVI, could stop France from descending into the chaos of the French Revolution and keep your head by simply tweaking the algorithm which controlled the publications the "plebs" had access to? Would it not be the "responsible" thing to do to stop bloodshed, murder and your own demise?

I am not clever enough to know how precisely this awful burden of responsibility will manifest itself with Elon Musk but I am also not stupid enough to pretend it won't.

None of us can predict the future but all we need for this thought experiment is a single example from our very recent past.

Most people would agree that it is not the job of social media platforms to control the speech of elected officials yet on 8 January 2021, Twitter banned President Trump from their platform. Their argument was that his Tweets were causing real world harm at a time of extreme tensions in the most powerful country in the world. Would it not be the "responsible" thing to do to stop bloodshed, murder and the demise of your own country and your business?

I did not see the capital riot on Jan 6 as an insurrection and while I found much of Trump's rhetoric during that period extremely uncomfortable, in my view, banning a sitting President set a precedent that must never, ever be repeated. It is likely that Elon Musk's view of this incident is similar.

But having principles and acting on them is not the same thing.

It's easy to be a free speech absolutist until serious men walk into your office to tell you speech on your platform is killing people or ushering in a dictatorship. Sam Harris famously demanded and celebrated the banning of Donald Trump from Twitter.

How would you react when people you deeply respect and take guidance from told you that your failure to violate your moral principles is a danger to humanity? How will Elon Musk?

***I think the caution here, is that however strongly we'd like to just say "NO!" to all these legislative efforts—and certainly need to argue them down to as limited as possible, if not fully rejected—we're not going to get them down to nothing, because there's no way to erase the concerns of good actors as well as bad.***

March 16, 2022 Comments to MP Zimmer's video on FB - Jan Sevin: Can you explain why you are mentioned in this: Nov 28, 2021 By Dr. Joseph Mercola

**International Grand Committee on Disinformation (IGCD)**
consists of "an international array of legislators, policy advisers and other experts" who work together "to forge international alliances that bring shared, effective strategies into the battle against online disinformation."

The founders of the IGCD are four members of the British and Canadian Parliaments, including British Member of Parliament (MP) Damian Collins, who is also on the board of the Centers for Countering Digital Hate (CCDH). **The CCDH fabricates reports that are then used to strip people of their freedom of speech rights. [SAFC AUTHOR bolding: *more to look at]***

Logistics for the IGCD are provided by the Reset Initiative (a not-so-subtle reminder that censorship is a requirement for The Great Reset), which is part of The Omidyar Group of philanthropies.

Omidyar funds Whistleblower Aid, the legal counsel for the fake Facebook "whistleblower" Frances Haugen, who has testified before U.S., French, British and EU lawmakers, calling for more censorship.

CCDH chairman Simon Clark also has ties to Arabella Advisors, the most powerful dark money lobbying group in the U.S.

If you suspected censorship was being coordinated on a global scale, you'd be right.

The International Grand Committee on Disinformation (IGCD) consists of "an international array of legislators, policy advisers, and other experts" who work together "to forge international alliances that bring shared, effective strategies into the battle against online disinformation." What could possibly go wrong?

The idea behind the IGCD came from four members of the British and Canadian Parliaments: Damian Collins and Ian Lucas from the U.K., and Bob Zimmer and Nathaniel Erskine-Smith from Canada. The first session of the IGCD took place at the end of November 2018, so they've been quietly working in the background for some time already.

*SAFC Author Three thoughts:*

1. ***I'm biased: never immediately inclined to take anything originating from Dr. Mercola with more than a grain of salt. I've been aware of him since the early 00s as an "alternative medicine" doctor on the Internet, who always read to me as automatically sketchy because his articles about issues always seemed to include plugs for the reader to invest heavily in his custom-formulated supplements or other gadgets/products. I wouldn't always or necessarily ever call his information or opinions crap, but will always want to confirm what they're based on, and where they originate.***
2. ***That said, what he's saying about the IGCD strips down to what sounds like a factual lead.***
3. ***So, searching "International Grand Committee on Disinformation"...***

***First search result on Brave is*** https://www.cigionline.org/igc/

**Centre for International Governance Innovation**, "About" page on "The International Grand Committee on Disinformation":

**"It is an urgent and critical priority for legislatures and governments to ensure that the fundamental rights and safeguards of their citizens are not violated or undermined by the unchecked march of technology."**

The International Grand Committee (IGC) is an ad hoc group of elected representatives from around the world who work across party lines and political ideologies to advance international collaboration on the regulation of social media to combat harmful content, hate speech and electoral interference online.

The IGC began in November 2018, when representatives from eight countries joined the United Kingdom's Digital, Culture, Media and Sport Committee to discuss the spread of disinformation, the threat of "fake news," questions of privacy and protecting individuals' data — and what this all means for democracies around the world.

IGC meetings have included parliamentarians from Argentina, Australia, Belgium, Brazil, Canada, Costa Rica, Ecuador, Estonia, Finland, France, Germany, Ireland, Latvia, Mexico, Morocco, Singapore, St. Lucia, the United Kingdom and the United States. Since its initial meeting in the United Kingdom, the IGC has met in Ottawa and Dublin with future meetings to come. For further details, see the IGC timeline.

https://igcd.org/who-we-are

**February 18, 2019:** https://energeticcity.ca/2019/02/18/mp-bob-zimmer-weekly-report-committee-on-disinformation-and-fake-news/ MP Bob Zimmer – Weekly Report – Committee on Disinformation and 'Fake News' – comments on the Facebook/Cambridge Analytica data breach, announced next IGC meeting May 28th (2019) in Ottawa. ***SAFC Author: This website appears to be for the city of Fort St. John, in BC.***

**February 20, 2019**: https://www.itworldcanada.com/article/canadian-mps-invite-tech-giants-to-testify-before-international-committee-on-disinformation/415165

HoC standing committee on access to information privacy and ethics ...invited executives from 10 digital platforms to testify at the second meeting of the IGCD in Ottawa, May 28th, 2019.

- Facebook CEO Mark Zukerberg,
- Facebook COO Sheryl Sandberg,
- Google CEO Sundar Pichai,
- Former Google executive chair Eric Schmidt,
- Apple CEO Tim Cook,
- Apple COO Jeff Williams,
- Amazon CEO Jeff Bezos
- Amazon Web Services (AWS) CEO Andrew Jassy,
- Twitter CEO Jack Dorsey,
- WhatsApp co-founder Brian Acton and
- Snap Inc. CEO Evan Spiegel

The Grand Committee is made up of 24 members, including 11 members of the U.K. parliamentary digital committee. The Grand Committee has already agreed to five principles:

i. The internet is global and law relating to it must derive from globally agreed principles;
ii. The deliberate spreading of disinformation and division is a credible threat to the continuation and growth of democracy and a civilizing global dialogue;
iii. Global technology firms must recognize their great power and demonstrate their readiness to accept their great responsibility as holders of influence;
iv. Social Media companies should be held liable if they fail to comply with a judicial, statutory or regulatory order to remove harmful and misleading content from their platforms, and should be regulated to ensure they comply with this requirement;
v. Technology companies must demonstrate their accountability to users by making themselves fully answerable to national legislatures and other organs of representative democracy.

The U.K. committee issued its final report on Monday. It has tossed aside the term fake news in preference to disinformation, which it defines as the deliberate creation and sharing of false and/or manipulated information that is intended to deceive and mislead audiences, either for the purposes of causing harm, or for political, personal or financial gain.

In December, Zimmer's committee issued its own report on the risks of disinformation and data monopolies in Canada. Its recommendations included a call for the government to force social media platforms to (**SAFC AUTHOR: bullet-points mine**)

- be more open on how their algorithms select and label content,
- better identify paid online ads online,
- promptly remove inauthentic and fraudulent accounts, and
- remove "manifestly illegal contents such as hate speech."

***OK, noted. My final reading being that Mr. Zimmer was legitimately trying to engage some citizen feedback, I did email him with my concerns about C-11, mainly the unholy vagueness of who's meant to be subject to it, and my sense that focusing on anyone making direct or indirect revenue from their "programs" could open the door to a LOT of people doing legitimate free expression of their concerns getting regulated to oblivion. There are just so many small content creators these days, doing near continuous vids, livestreams, etc., that the government could find obnoxious and be moved to stamp out.***

***Obviously, there's a lot more one could pursue around this issue.***

***Roughly parallel to Canada's "online hate" bill, the UK is currently running its "world-leading" Online Safety Bill (OSB) through Parliament, 225 pages, 194 separate clauses,***

**Oct 23, 2021 UK Online Safety Bill:**
https://www.bbc.com/news/uk-politics-59010723

Ofcom would get powers to regulate social media sites

- It would be able to force companies to have a duty of care for their users, including protecting users from legal but harmful content, such as abuse that doesn't cross the criminality threshold
- Companies who breach Ofcom rules could face fines of up to £18m
- Social media sites would also be required to moderate content from different political viewpoints equally and without discrimination
- Provisions would be introduced to tackle online scams, such as romance fraud and fake investment opportunities.

https://www.gov.uk/government/news/online-safety-law-to-be-strengthened-to-stamp-out-illegal-content

https://techcrunch.com/2022/01/24/dcms-committee-report-on-online-safety-bill/?guccounter=1

https://www.pharmaceutical-technology.com/analysis/why-the-online-safety-bill-fails-and-what-can-make-the-internet-safer/