

CANADA: Now That Bill C-11 Has Passed, What Other Proposed Legislation Could Regulate Online Content?



Peter Wilson writes in the [Epoch Times](#):

Bill C-11—the Liberal government’s contentious legislation bringing digital streaming giants under the purview of Canada’s broadcasting regulator [received royal assent](#) on April 27 amid opposition politicians decrying it as an online censorship measure.

Although predicted effects of the legislation are steeped in [debate](#), Bill C-11’s passage comes as the Liberal government works on two other proposals that could also impact the way Canadians view and engage with online content if they pass into law.

Prime Minister Justin Trudeau said in late 2022 that his government [intends](#) to stiffen regulations related to online hate in the near future, while adding that “harassment and violence” across the internet need to be stopped while still protecting free speech.

His comments came several months after Public Safety Minister Marco Mendicino said cabinet is making progress on drafting a [bill](#) that will counter “online harms.”

‘Online Harms’ Proposal

In June 2021, the Liberal government [introduced](#) Bill C-36, which, if passed, would have amended the Canadian Human Rights Act to bring back an amended version of a controversial section that was repealed in 2013 amid criticism that it violated free speech rights.

The proposed bill also would have amended both the [Criminal Code](#) and the [Youth Criminal Justice Act](#). It would have changed the definition of “hatred” to mean “emotion that involves detestation or vilification” that is “stronger than dislike or disdain.”

At the same time, it also would have specified that a statement wouldn’t be considered hate speech “solely because it discredits, humiliates or offends.”

Bill C-36 would have allowed individuals or groups to file hate speech [complaints](#) with the Canadian Human Rights Commission, which would have been empowered by the legislation to order perpetrators to cease communications or even pay monetary penalties.

The bill lapsed when a snap [election](#) was called several months later, in which Canadians elected a minority Liberal government in September 2021.

The Trudeau government has yet to introduce another similar

piece of legislation after returning to power that year, but cabinet has [acknowledged](#) that it is currently drafting a bill that will target online hate speech and “online harassment and violence.”

“The Government of Canada is in the process of designing a new legislative and regulatory framework for online services, including social media platforms,” it wrote in a [response](#) to a House of Commons committee recommendation.

“While the introduction date for this legislation has not been determined, the Department of Canadian Heritage is working with other government departments to deliver on this important initiative.”

‘Broad Powers’

[Cabinet says](#) the proposal will have a number of aims, which could include creating a “Digital Safety Commission” tasked with enforcing new rules that would compel digital platforms to “identify, assess, and mitigate risks on their platforms through their own internal systems and processes.”

It adds that the commission would be given “broad powers” to compel platforms to release certain information, such as instances of cyber harassment and violence by users on their services, or else face monetary penalties.

Cabinet has been working on the yet-to-be-tabled proposal for over a year now. Heritage Minister Pablo Rodriguez [formed a panel](#) of 12 experts in March 2022 to hold discussions and provide the federal government with advice on drafting an internet content regulation bill.

The panel held [10 sessions](#) from April to June 2022 and recommended that cabinet include a proposal within the potential legislation to combat online “disinformation,” which the panel acknowledged would be difficult to define.

The panel [identified](#) disinformation as “one of the most pressing and harmful forms of malicious behaviour online.”

However, it also said the federal government shouldn't be deciding what's true or false.

Some of the panellists also recommended that private communications be included under the regulatory framework, as they noted that “a lot of times a high level of harmful content, such as terrorist content or child pornography, are shared in private communications instead of on public forums.”

“Excluding these types of communications would leave a lot of harmful content on the table,” [read a summary](#) of the panellists' first session held in April 2022.

Bill C-18

[Bill C-18](#), also known as the Online News Act, will regulate digital news intermediaries such as Google and Meta if it passes into law, with its stated goal “to enhance fairness in the Canadian digital news marketplace and contribute to its sustainability.”

The legislation will require digital media giants to [negotiate deals](#) with Canadian news outlets that would compensate those outlets for the news and information they produce that are shared on the tech giants' platforms.

The pending legislation, which is currently under Senate committee [consideration](#), made headlines in February after Google said it had [blocked](#) news for some Canadian users as part of a test it was running in response to Bill C-18.

The company said at the time that it was blocking the visibility of some online news stories for about 4 percent of its users in Canada, which equals around 1.2 million Canadians in total.

On March 10, MPs on the Commons Standing Committee on Canadian Heritage questioned Google executives about the issue and were told that the test would end on March 16.

However, Google Canada Vice President Sabrina Geremia told the committee that she believed Bill C-18 “sets a dangerous precedent that threatens the very foundations of the open web and the free flow of information.”

She added that “it also incentivizes the creation of cheap, clickbait content over quality journalism” and said it will benefit legacy media more than local journalism.

Geremia’s point was earlier backed up by Parliamentary Budget Officer Yves Giroux, [who wrote](#) in a 2022 report that the bill will profit large Canadian media outlets and publishers by upwards of \$329 million per year in government subsidies.

He also said it will cost Ottawa \$5.6 million annually over five years to develop and implement the bill.

Rodriguez has [defended](#) Bill C-18, saying in the House in March that it is Ottawa’s way of “simply asking the web giants to support independent journalism.”

The heritage minister also [told](#) the House in December 2022 that the bill is an effort to protect news media outlets from shutting down.

“This bill is not a panacea or a goal in itself, but it is an extremely important tool that essentially calls on the dominant platforms, the ones that control a substantial portion of the market and advertising revenues, to contribute to the production of local content,” he said on Dec. 13, 2022.

“The bill needs to ensure that platforms also contribute to the growth of local journalism, especially smaller media outlets in the various provinces and regions.”