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# CRTC may regulate your social media

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I will begin by sharing part of a conversation I once had with a now retired provincial cabinet minister.

The former minister shared an observation that one of the challenges in government, when attempting to try and resolve a problem, is the need to be careful to ensure that the proposed solution does not create more new, unanticipated problems.

I am reminded of this as the Liberal government has tabled, and recently amended, Bill C-10: "An Act to amend the Broadcasting Act and to make consequential amendments to other Acts".

Few would dispute that in an age of increased digital steaming, and various online media platforms, that the Broadcasting Act and the oversight regulation with the Canadian Radio-Television and Telecommunications Commission is badly in need of updating.

The challenge, as the former cabinet minister would remind us, is how make these much-needed updates without inadvertently creating new problems.

Recently the government removed a critical exemption to Bill C-10, that in my view and the view of many other experts and stakeholders, will create serious setbacks to our Charter-protected right of free expression.

When Bill C-10 was first proposed, it exempted "unique user generated content" from the bill.

For example, if a Canadian created and posted their own video on YouTube, Facebook, Tik Tok or any other online social media platforms, their content was exempted by the changes proposed in Bill C-10.

However, during clause-by-clause examination of Bill C-10 in the Industry, Science and Technology committee, the Liberals removed this exemption.

Removing this exemption means unelected and unaccountable bureaucrats at the CRTC could have the power to regulate, remove and censor what Canadians post to their own social media.

This, in turn, can also limit what Canadians are able to see online in Canada.

Instead of Canadians having the choice, the choices could be limited based on a yet-to-be-announced criteria set and enforced by the CRTC. The Liberals defend this amendment stating that the intent is to limit the broadcast of unlicensed content online to protect copyright holders, who have lobbied for these changes.

That ultimately is the problem with the Liberal approach in Bill C10.

Rather than resolving the unlicensed

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content issue through copyright law, the government proposes to cut it off at the broadcasting level, allowing Canadian's content to be sacrificed in the process.

In a statement on the bill's Charter compliance, justice officials argued that the original exemption alleviated potential concerns of breaching section 2 (b) of the Charter on free expression.

With the exemption's removal, many are speculating on what impacts this bill will have.

This approach by the Liberals, according to one of Canada's foremost law professors, who also holds the Canada Research Chair in Internet and E-commerce Law at the University of Ottawa, is a "shocking and likely unconstitutional speech regulation."

Professor Michael Geist further notes: "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."

For the record I share the concerns of Professor Geist.

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From the Hill