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Censorship déjà vu on Parliament Hill

Jay Goldberg

Buried in a news cycle dominated by former Conservative leader Erin O'Toole's sacking and honking truckers, Heritage Minister Pablo Rodriguez unveiled the government's replacement for Bill C-10. That bill died in a storm of controversy when Prime Minister Justin Trudeau called last September's election. At this moment of peak distraction, Rodriguez decided to revive it.

He tried to spin the new bill, known as Bill C11, as a marked change from the government's attempts to regulate free expression online, including on social media. He claimed that the government "listened to concerns" about Bill C-10 and took them into account in crafting Bill C11.

But make no mistake: this is the same government censorship in slightly fuzzier sheep's clothing.

Bill C-10 was heavily criticized for allowing government bureaucrats at the Ministry of Heritage to regulate social media content. In response to those concerns, Rodriguez claimed that Bill C-11 would exempt social media content from government regulation.

But it turns out Rodriguez's exemption has an exemption of its own.

Professor Michael Geist of the University of Ottawa notes that Bill C11 still allows the Canadian Radio-Television and Telecommunications Commission to regulate social media content.

So, while bureaucrats in the Ministry of Heritage will no longer have the power to regulate social media content, as was proposed in Bill C-10, the government now wants to farm out its dirty work to the CRTC.

There are three circumstances in which the CRTC will be allowed to regulate social media content: if it indirectly or directly creates revenue; if the program is broadcast by a broadcast undertaking not regulated by the CRTC; and if the program has been given a unique identifier under an international standards system.

As Geist notes, these three exemptions may sound complicated, but content uploaded to sites like YouTube and apps like TikTok are still vulnerable to government regulation and censorship. Under Bill C-11, the CRTC will have the power to require media platforms to pro-

mote the accessibility of certain content over others.

That means the censorship danger is still clear and present. When bureaucrats are given the power to interfere with freedom of speech and freedom of expression, there's always a risk that they'll turn down the volume on critics and promote the messages they want Canadians to see.

Despite what Rodriguez and others in the Trudeau government might try to argue, certain social media content is very much subject to government regulation under Bill C-11.

When the Trudeau government was trying to pass Bill C-10 into law last year, Canadian society was largely unified in opposition to the government's efforts.

Journalists, academics, civil liberties groups, privacy experts, librarians and think tanks, among others, all sounded the alarm on the government's censorship efforts.

The Independent Press Gallery, for example, expressed "serious concern to the harmful effects on freedom of expression and principles of law that will

ensue if the government moves forward with the proposal.”

OpenMedia called the government’s efforts “dangerously misguided.”

By keeping a mechanism in place to regulate social media content, which empowers bureaucrats to push some content online over others, the Trudeau government is going right back down the rabbit hole that generated such grave concern just last year.

Rodriguez’s claim that the government listened to Canadians is ridiculous. Rather than taking the time to consult with Canadians from coast to coast about such an important issue, the Liberals are trying to ram through a replacement for Bill C10 just weeks after Parliament came back into session.

The bottom line is that the Trudeau government didn’t listen to Canadians. It didn’t listen to experts, who called for a full social media content exemption from regulation, and it didn’t even bother to spend the time to engage with concerned citizens.