



Source name: The Hill Times (Ottawa, ON)
Source type: Press • Newspapers
Periodicity: Bi-Weekly or Tri-weekly
Geographical coverage: National
Origin: Ottawa, Ontario, Canada

Monday, August 14, 2023
The Hill Times (Ottawa, ON)
• p. 16
• 1725 words



'She's coming into a hot seat': St-Onge takes on Heritage file with neither government nor big tech 'prepared to stand down or blink'

Pascale St-Onge is taking on an already hot file, meanwhile, 'waiting in the wings' is one of the most controversial pieces of internet regulation legislation, says Michael Geist.

IAN CAMPBELL

Newly appointed Heritage Minister Pascale St-Onge has inherited a "politically hot file," as issues related to the recently passed bills C-11 and C-18 continue to smoulder, and the "most contentious" piece of the government's legislation to regulate the internet has yet to be introduced, say observers.

"She's coming into a hot seat in many ways," University of Ottawa law professor Michael Geist told The Hill Times. "There's the overhang of C-11 and C-18. They're both pretty much still alive in some important ways. ... and then, of course, waiting in the wings is the piece of legislation that is typically viewed as the most controversial when it comes to internet regulation, namely the online harms or online safety bill."

Prime Minister Justin Trudeau (Papineau, Que.) appointed St-Onge (Brome-Missisquoi, Que.) as heritage minister in the July 26 cabinet shuffle. St-Onge has experience handling sensi-

tive files, having served as sports minister while sexual assault scandals plagued Hockey Canada. Prior to becoming an MP, St-Onge worked in the communications and cultural sectors. She was a musician and served as president of the Fédération nationale des communications et de la culture, an organization representing communications and culture workers, including journalists, in Quebec.

St-Onge replaces the previous heritage minister, Pablo Rodriguez (Honoré-Mercier, Que.), who held the portfolio from 2018-2019, and again from 2021-2023.

During his most recent stint at Heritage, Rodriguez took the lead on shepherding through Parliament C-11, the Online Streaming Act, which received royal assent on April 27, and C-18, the Online News Act, which received royal assent on June 22. The Online Streaming Act sets out Canadian content requirements for online platforms and streaming services. It tasks the CRTC with regulating

In the July 26 cabinet shuffle, Pascale St-Onge was appointed as the new minister of Canadian Heritage. She has previously handled controversy-laden files, having spent two years as sport minister managing serious sexual assault scandals at Hockey Canada. The Hill Times photograph by Andrew Meade

this, building on the role it has played in enforcing Canadian content requirements for traditional broadcasters. The Online News Act requires big-tech companies like Google and Meta to either financially compensate Canadian news sites for sharing links to their content, or to stop sharing those links.

The Online Streaming Act proved to be particularly controversial as it made its way through Parliament, with the Conservatives arguing that it was an attempt to regulate content and censor the internet. St-Onge must continue to navigate that issue set as the government works to finalize its draft policy direction for the CRTC on how to implement the law, and the CRTC holds consultations of its own on the matter. Meanwhile, the On-

line News Act has become an increasingly difficult file since its passage, with Meta stating that it will block all news links from appearing on its platform in Canada, rather than pay news sites for linking to their content.

St-Onge may also be gearing up to introduce new legislation this fall. For several years, the government has been holding consultations on online harms laws. On its website about these consultations, the government says platforms can be “used to threaten and intimidate Canadians and to promote views that target communities, put people’s safety at risk, and undermine Canada’s social cohesion or democracy.” It says it is working towards “a transparent and accountable regulatory framework for online safety in Canada.” Observers widely expect it to move ahead with that legislation now that C-11 and C-18 are passed.

Pollster Nik Nanos, CEO of Nanos Research, told The Hill Times this all makes Heritage—usually a quiet portfolio—a “politically hot file right now.”

“It’s politically very important because the Heritage file has blown up, and the Liberal government has basically gone to war with big tech and social media,” said Nanos. “Both the Liberal government—and it looks like big tech—are not prepared to stand down or blink.”

Nanos said while internet regulation “may not be a ballot issue from a policy perspective” there are still political stakes because it connects to “a narrative related to the competence of the government.”

“Our government is going to keep standing our ground”:St-Onge Sonja Solomun, deputy director of McGill University’s Centre for Media, Technology,

and Democracy, told The Hill Times that the new minister comes to the department at a time when the work carried out in recent years gives her a solid foundation to move these files forward.

“A lot has happened over the last two to three years, even though it may not seem like it,” Solomun told The Hill Times, pointing to a series of citizens’ roundtables the government hosted on its initiatives to regulate the internet. “That’s a significant amount of public dialogue. Obviously, Canadians are very vocal about these issues.”

She said Canada has been able to look to other jurisdictions for examples of how to approach internet regulation, and with the passage of C-11 and C-18, its current landscape resembles a hybrid of the laws in Australia and the European Union.

However, with Meta already blocking news links on its platforms, Matt Hatfield, director of campaigns for OpenMedia, an advocacy organization focused on internet regulation and accessibility, said he is not convinced the new laws are serving Canadians.

In his view, it may lead to an increase in Facebook being used to spread misinformation.

“A lot of misinformation circulates on Facebook as is,” said Hatfield. Previously, users could comment on such posts with a link to a reputable news source to fact check the misinformation. Once Meta blocks news links on its platforms, he noted, it will no longer be possible to respond to misinformation in this way.

“I think that’s obviously a harm to Canadians and to the quality of information in our ecosystem,” said Hatfield.

Geist said if Meta and Google both block news links on their sites, the Online News Act will not achieve its goal of delivering a new revenue stream to the news industry, and may in fact hurt news outlets if traffic to their sites decreases. He said smaller, digital-first publications will take the biggest hit.

A new minister offered the possibility to re-set the government’s relationship with tech companies, said Geist, but so far that does not appear to be happening. He pointed to St-Onge’s July 27 comments to The Globe and Mail in which she said “our government is going to keep standing our ground” in the faceoff with Meta.

Geist and Hatfield both suggested the government should look to competition laws as a way to address the challenges it currently faces in dealing with big tech.

“If you were to make a list of the main problems with Google and Meta, it’s not necessarily a failure to contribute to the Canadian broadcasting system,” said Hatfield. “They’re so big that even though a Meta block isn’t taking news organizations off the internet, it kind of feels like it is to a degree, because they’re so dominant—and that is a market dominance problem that needs to be solved through market competition law.”

Even though Canada can’t break up Meta, he suggested it could regulate some of its market practices—including how tech companies collect and monetize Canadians’ data—through competition and privacy laws. He said taking steps like this would back-up the “anti-big tech energy” coming from the government.

‘There’s a reason this was held back as the third of three’: Geist The importance of competition laws is one of several lessons learned that the government should keep in mind if it proceeds with the online harms legislation this fall, said Hatfield.

Listening to feedback—including from sources it disagrees with—is another, he said.

“Government needs to pay more attention to feedback they get on the consequences of their legislation,” said Hatfield. “They’ve been told for months and months and months: this is what’s probably going to happen if you put this version of C-18 through.”

Geist said that C-11 and C-18 show that when the discussion is around regulating specific types of content—such as user-generated content or news links—this is when it runs into controversy.

“There’s a reason this was held back as the third of three. ... This is very, very difficult legislation,” he said, noting the government will have to navigate keeping any restriction on speech in line with the Charter.

Online harms can capture a wide range of areas, from hate speech to misinformation. Geist said he believes the government is more likely to be successful if it focuses on the types of speech where there is broad agreement that the government should regulate.

“If you’re dealing with terrorism content, or hate content, or child endangerment type content—there’s already a decent consensus around the appropriateness of trying to deal with some of that kind of speech,” said Geist. “Where the government may run into challenges is

that there will be some that will be expecting it to deal with misinformation... [but] misinformation— at the end of the day—is still lawful speech.”

icampbell@hilltimes.com The Hill Times From moderating content to codifying design To combat ‘awful but lawful speech,’ some jurisdictions are moving away from content moderation and towards design codes. • Content moderation involves a mix of humans and AI taking down specific pieces of content. This can lead to criticisms of censorship and possible Charter challenges. • Design codes are content neutral. Instead, they regulate how users interface with a platform. For example, limiting the ‘mechanism of engagement’ by reducing the number of times a viral piece of content is allowed to spread.

- Advocates of this approach say it is similar to how governments regulate product design of items like cars or pharmaceuticals—to ensure product safety.

- Examples of design codes for digital platforms include the United Kingdom’s Age Appropriate Design Code (2020) and the California Age Appropriate Design Code Act (2022), which was modelled after the U.K. law.