

## Proposed Amendments to C-18

News Media Canada, which represents 560 trusted news titles across Canada, believes that C-18 is good, balanced legislation that will help level the playing field between platforms and publishers. The original version of the Bill was improved by the House of Commons:

- The eligibility criteria (Section 27) now include:
  - “journalists who own or are a partner in the news business and journalists who do not deal at arm’s length with the business.”
  - “is either a member of a recognized journalistic association and follows the code of ethics of a recognized journalistic association or has its own code of ethics whose standards of professional conduct require adherence to the recognized processes and principles of the journalism profession, including fairness, independence and rigour in reporting news and handling sources.”
- The steps in the bargaining process (Section 19) now includes timelines:
  - “negotiation or bargaining sessions over a period of 90 days;”
  - “if the parties are unable, within the negotiation or bargaining period, to reach an agreement, mediation sessions over a period of 120 days, beginning on the day after the end of the negotiation or bargaining period; and”
  - “if the parties are unable, within the mediation period, to reach an agreement and at least one of the parties wishes to initiate arbitration, final offer arbitration for a period of 45 days, beginning on the day after the end of the mediation period.”

We believe the Bill can be improved further by the Senate in three areas:

- Shortening the steps in the bargaining process for negotiation and mediation.
- Tightening up the language about the role of the CRTC to protect newsroom independence.
- Ensuring the Bill comes into force quickly to avoid unnecessary delays in the application of the Act at a time when news publishers are financially challenged.

News Media Canada believes the following amendments accomplish these objectives:

Section 19 – Change timing for negotiation and mediation to 45 days each.

Section 27(2) – delete.

Section 40 – delete. *This is already covered by Section 36. We would be comfortable amending Section 36 to include the Competition Bureau.*

Section 43 - An arbitration panel must provide written reasons for its decision to the parties ~~and the Commission.~~

Section 50 (1) - *Delete and replace in its entirety with:*

An operator, eligible news business or group of eligible news business may file with the Commission a written complaint if they believe an opposing party in the bargaining process has failed to comply with section 49. If the Commission determines a complaint to be founded, the Commission may, by order, require the operator, eligible news business or group of eligible news businesses to take any measure the Commission considers necessary to remedy the non-compliance.

Section 53 – *Delete and replace in its entirety with:*

- (1) An operator 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 is necessary for the purposes of exercising its powers or performing its duties and functions under this Act.
- (2) A 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 is necessary for the purposes of evaluating eligibility under section 27 or section 31(2).
- (3) An eligible 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 is necessary for the purposes of investigating a complaint under section 50 (1) or section 52.
- (4) If the Commission has reasonable grounds to believe an eligible news business has information that is central to a complaint made under section 50(1) and such information cannot be produced by any other reasonable means, an eligible news business must, at the request of the Commission and within the time and in the manner that it specifies, provide the Commission with such information that is strictly necessary for the purposes of investigating such a complaint. The Commission has the burden of proving the conditions of this subsection are met.
- (5) An eligible news business must, at the request of the Commission and within the time and in the manner that it specifies, provide the independent auditor appointed by the Commission for the purposes of preparing an annual auditor's report under section 86 (1), with any information that is necessary for the purposes of determining the total number of journalists hired, or journalist positions maintained, as a result of agreements entered into under this Act.

Section 58 (1) - ~~A person designated under section 57 may, for a purpose related to verifying compliance or preventing non-compliance with this Act,~~ by order require an operator or an eligible news business to produce, within the time and the manner specified in the order, for examination or copying, any record, report, electronic data or other document that the Commission is entitled to request under section 53, and that the designated persona has reasonable grounds to believe contains information that is relevant ~~to that purpose~~ for the purpose of verifying compliance or preventing non-compliance with this Act.

Section 85 (e) - respecting complaints referred to in sections 50 and 52.

Section 86 (2) (b) - information relating to the distribution of the commercial value of those agreements among categories of eligible news businesses ~~including relative to the expenditures of those business on their newsrooms;~~

~~(c) information relating to the effect of the agreements on those expenditures.~~

~~(d) any other element that, in the opinion of the auditor supports the transparency of the impact of this Act on the Canadian digital news marketplace.~~

*ADD:* c) aggregate information relating to the effect of the agreements on the net number of journalists hired or journalism positions maintained by category of eligible news businesses.

Section 93 - Add: *“(6) Notwithstanding the provisions of this section, this Act shall come into force on or before the one hundred and eightieth day after the day on which this Act is assented to.”*