



Canadian Federation of Library Associations
Fédération canadienne des associations de bibliothèques

[FOR IMMEDIATE RELEASE]

CFLA-FCAB Calls for Immediate Reinstatement of a Clear Regulatory Exemption of End-User Content in Bill C-10

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Freedom of expression is a cornerstone principle of librarianship. The Canadian Federation of Library Associations (CFLA-FCAB) recognizes the importance of modernizing the *Broadcasting Act* however, it stands firmly against any impingement of Canadians' right to freedom of expression. Without the inclusion of the limitation clause 4.1(1), exempting user generated content from regulation, CFLA-FCAB cannot support Bill C-10 and is calling on the Standing Committee on Canadian Heritage and all Members of Parliament to reinstate clause 4.1(1).

“Canadian libraries serve a unique role in the creation and distribution of new Canadian content, and are positioned to be a powerful force for encouraging innovation and helping Canadians access opportunities to create content in a digital world,” said Todd Kyle, Chair of CFLA-FCAB’s Board of Directors. “While CFLA-FCAB supports the modernization of the *Broadcasting Act* in principle, we are concerned with the recent removal of an exemption for end-user content during the Standing Committee on Canadian Heritage’s review of the Bill.”

The original version of the Bill included clause 4.1(1), which explicitly exempted user generated content from regulation by the Canadian Radio-television and Telecommunications Commission (CRTC). However, the recent removal of this clause allows the CRTC the ability to regulate user generated content on a variety of platforms, opening the door to infringement of Canadians' freedom of expression. While we acknowledge that the federal government has stated it does not intend to regulate Canadians' social media content and the Bill includes clause 2.1, which excludes end user content from being what is considered a “broadcasting undertaking,” our concern remains with the wide regulatory latitude that C-10 gives to the CRTC and the lack of clarity on end-user content with the removal of a clause like 4.1(1).

“By calling for the reinstatement of clause 4.1(1), we are simply requesting that the government ensure the Bill aligns with the legislative intent they have described to Canadians –not to regulate the content they generate and share online,” said Rebecca Raven, Executive Director of CFLA-FCAB. “We also note that the *Copyright Act* makes an explicit exception for user-generated content, which is a valuable exemption.”

The exemption for user-generated content in the *Copyright Act* allows a person to use copyright-protected works to create new content for non-commercial purposes, while

giving Canadians the opportunity to create a wider variety of content in a digital world. Including the same type of exemption in amendments to the *Broadcasting Act* would also ensure that relevant Canadian legislation is aligned on user-generated content.

This is why the Canadian Federation of Library Associations is calling on all Members of Parliament to work to reinstate clause 4.1(1) in Bill C-10, exempting end-user content from CRTC regulation. Doing so would provide greater clarity to the Bill's stance on user generated content, bring Bill C-10 in line with other relevant legislation like the Copyright Act, and provide assurance that Canadians' freedom of expression will not be abridged through CRTC regulation.

CFLA-FCAB acknowledges that Minister Guilbeault has recently stated that the government will introduce an amendment to the Bill to clarify that end-user content will not be regulated. We urge the Minister to bring forward this amendment immediately and hope that it provides the type of clarity and assurance that Canadians need regarding their freedom of expression online.

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