

Uncharted Streams: The *Online Streaming Act* and the Politics of Canadian Broadcasting Legislation

**by
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Abstract

This project presents the results of a frame analysis conducted to understand how the debates in the Parliament of Canada surrounding the *Online Streaming Act* contribute to the ongoing politics of Canadian film and broadcasting policy. These debates failed to resolve the convergent and paradoxical challenges posed by online platforms to the Canadian cultural industries, as well as the longstanding tension between 'cultural sovereignty' and 'economic growth' at the centre of Canadian cultural policy. However, the debates were able to bring these conflicts to light, but due to the vague language and purpose of the act, these conflicts were caught within a polarized politics on the question of government interference, placing 'regulatory fairness' against 'government overreach.' On both sides of this polarization lies an emphasis on the role of the state within online activities, an administrative rationality that overlooks the organic and unpredictable cultivation of popular culture as well as platforms' influence on civil society through algorithms and data collection methods.

Keywords: Canadian content; cultural policy; online streaming; film policy; broadcasting law

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List of Acronyms

ACTRA	Alliance of Canadian Cinema, Television, and Radio Artists
ADISQ	Association québécoise de l'industrie du disque, du spectacle et de la vidéo
APFC	Alliance des producteurs francophones du Canada
BQ	Bloc Québécois
CAB	Canadian Association of Broadcasters
CAFDE	Canadian Association of Film Distributors and Exporters
CBC	Canadian Broadcasting Corporation
CDCE	Coalition for the Diversity of Cultural Expressions
CFDC	Canadian Film Development Corporation (replaced by Telefilm Canada in 1984 (Edwardson, 2008, p. 253))
CMPA	Canadian Media Producers Association
CPC	Conservative Party of Canada
CRTC	Canadian Radio-television and Telecommunications Commission
DGC	Directors Guild of Canada
FRPC	Forum for Research and Policy in Communications
GP	Green Party of Canada
IATSE	The International Alliance of Theatrical Stage Employees
IPIC	Intellectual Property Institute of Canada
ISCC	Internet Society Canada Chapter
LPC	Liberal Party of Canada
MPA-Canada	Motion Picture Association-Canada
NDP	New Democratic Party
NFB	National Film Board of Canada
OTT	Over-the-top (streaming platforms)
REMC	The Racial Equity Media Collective
SVOD	Subscription video-on-demand
UPPCQ	The Union des producteurs et productrices du cinéma québécois
WGC	Writers Guild of Canada

Chapter 1.

Introduction: Streaming Culture and Its Regulatory Implications

On November 18, 2020, Minister of Canadian Heritage Steven Guilbeault introduced Bill C-10 to the House of Commons (Canada. House of Commons, 2020b, p. 2060). The bill—its full title *An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*—expands the federal *Broadcasting Act* by introducing ‘online undertakings’ as a new legal class of broadcasting, therefore delegating the Canadian Radio-television and Telecommunications Commission (CRTC) to enact regulation pertaining to online platforms such as Netflix and YouTube (Canada. House of Commons, 2020a, pp. ii–iii). In addition, the bill allowed the CRTC to implement “discoverability” measures to ensure that Canadian content is ‘discoverable’ by platform users, and also aimed to create greater diversity within the Canadian cultural sector (Canada. House of Commons, 2020a, pp. 6–7).

The bill was tabled in response to an industry challenged by the emergence of digital “over-the-top” (OTT) and “subscription video-on-demand” (SVOD) platforms, circumventing the regulatory framework established by the CRTC to ensure that television and radio broadcasters achieve specific cultural objectives (Armstrong, 2016, pp. 94–96, 219–223, 259; Burgess & Stevens, 2021, p. 68). While traditional broadcasters are required to showcase Canadian content and reinvest a percentage of their revenue into public funds for Canadian media producers, online platforms aren’t required to abide by any such rules (Armstrong, 2016, p. 133). As consumers rely more on digital platforms, traditional broadcasters and Canadian content funds will generate less revenue (Armstrong, 2016, p. 259). This has particularly negative implications for the already challenged Canadian film industry, in which public agencies like Telefilm Canada and the National Film Board play a significant role (Armstrong, 2016, pp. 13–14).

Over time, Bill C-10 became greatly problematized for its potential encroachment on freedom of expression online. Prominent voices expressing this concern included journalist Andrew Coyne, scholars Michael Geist and Dwayne Winseck, and various

members of the Conservative Party of Canada, all criticizing the bill for giving the federal government and the CRTC too much control over what users post and how users behave online (A. Coyne, 2021; Jones, 2021; Winseck, 2021b). After Bill C-10 expired in the Senate and was reintroduced as Bill C-11—otherwise known as the *Online Streaming Act*—when the Liberal Party of Canada was re-elected in 2021, the new version of the bill included a set of detailed clauses outlining the exceptions that would be made for social media users' content and what information the CRTC could rightly demand from platforms (Canada. House of Commons, 2022a, p. 7). Despite this, criticism of the bill persisted, though the bill received royal assent in April 2023 after nearly fifteen months of parliamentary deliberation (*C-11 (44-1) - LEGISinfo*, n.d.; Chandler, 2022).

How do the parliamentary debates around the *Online Streaming Act* contribute to the ongoing politics of Canadian film and broadcasting policy? To explore this question, this thesis will present a frame analysis of a sample of House of Commons speeches delivered by Members of Parliament and written submissions from film and broadcasting industry organizations¹ directed to the Standing Committee on Canadian Heritage. The result of this analysis is eight frames that have been identified within the parliamentary discourse: 'regulatory fairness,' 'economic growth,' 'government overreach,' 'cultural sovereignty,' 'public good,' 'diversity,' 'effectiveness,' and 'modernization.' As the federal *Broadcasting Act* hasn't been updated in such a capacity since 1991, the debates around the *Online Streaming Act* reopen past arguments that have been made around state intervention in the Canadian cultural sector while also refashioning them in the context of the emergence of new media (Armstrong, 2016, p. 122). While concerns around 'cultural sovereignty' and 'economic growth' have long served as rationales—particularly by the Liberal Party—to support the arts in Canada (Edwardson, 2008, p. 69; Schnitzer, 2019), the traditionally Conservative position of advocating for consumer choice—a position that's been present in the party since the leadership of John

¹ The term 'organization' has largely been used rather than the term 'stakeholder' throughout this thesis due to the latter term's historical association with settler colonialism (*Terminology in Indigenous Content*, n.d.). However, finding an alternative for the term 'stakeholder', which was used by Bill C-10 and C-11's framers, is tricky considering its uniqueness as a term that refers to both groups and individuals who have a vested interest in a certain policy issue, and is therefore still used in a few spots. Though the term 'organization' can only refer to groups of people, this isn't a problem for this research since none of the sampled policy briefs were submitted by individuals. The term 'relevant party' was considered as a replacement for 'stakeholder,' but was disregarded as it could be confused as a reference to political parties.

Diefenbaker—has been largely replaced by an overall concern for ‘government overreach’ in the online sphere (Edwardson, 2008, p. 82). As interested organizations and parliamentarians waded into the debate, various—and sometimes contradictory—suggestions are made for improving Canada’s *Broadcasting Act*, demonstrating that film and broadcasting policy represents what Rittel and Webber term a “wicked problem” (1973, pp. 160, 162). While the debate was able to illuminate the conflicts that persist and define Canadian cultural policy, it didn’t resolve them against the profound and convergent effects that online platforms have on global cultural industries and civic discourses. Instead, with the passage of the act, Canada’s cultural policy apparatus has been expanded to include online platforms in a way that refashions old policy mechanisms that have long yielded criticism from pundits and scholars.

1.1. The Paradoxes of Platforms

The emergence of online streaming and social media platforms has created a paradoxical environment in which cultural texts are exchanged, not just between users and producers, but also between the affordances of old and new media. In *Streaming: Movies, Media, and Instant Access*, Wheeler Winston Dixon counterposes the accessibility offered through streaming services like Netflix with its actively limited library, ironically threatening the dissolution of film history from public consciousness (2013, pp. 5–6). Dixon’s description of the changes streaming introduces to the cultural landscape is bleak: films and media are now dependent on the maintenance and upkeep required to protect digital files, and the accessibility of such are increasingly dependent on stringent copyright measures, such as the limited libraries available through services like Netflix or Digital Rights Management technologies (2013, pp. 11, 18–19). Amanda Lotz encourages readers to view the effect of ‘digital’ media differently, less as a decimation of industries than a disruptive innovation in business models and content delivery:

Rather than introducing “new media” or a new form of media to existing competition, as many expected, the internet turned out to be a new—and often superior—way to distribute media to consumers. For much of the first decade of disruption, though, so-called “digital” media were perceived as a separate industry that would conquer those that predated the internet. Many initial responses consequently mistook the nature of the challenge that the internet and digital technologies posed. And even decades later, mistaking the nature of the problem continues to lead industry leaders to search for irrelevant solutions, regulators to establish the wrong policies, and consumers to misunderstand how and why the companies behind core

technologies of everyday life have grown so powerful. (2021, pp. 3, 8–9, 11–12)

Similarly, Thomas Elsaesser considers digital developments and the discourses surrounding them as exemplary of the insufficiency of chronological accounts of film history, considering digital opportunities as a possible return to earlier modes of filmmaking (e.g., amateur digital filmmaking), or as a further fulfilment of Bazin's argument of film as a recreation/preservation of reality (2016, pp. 24, 33).

Chuck Tryon's *On-Demand Culture* identifies the scarcity/abundance paradox persisting within current digital entertainment platforms and technologies; despite the omnipresence of content and "platform mobility," the new terrain introduces new limitations and constraints, including copyright disputes and the individualization of consumption: "Despite the promises of ubiquitous and immediate access to a wide range of media content, digital delivery has largely involved the continued efforts of major media conglomerates to develop better mechanisms for controlling where, when, and how content is circulated" (2013, pp. 2, 4). As Tryon argues, this can have dire implications for movie theatre revenue and physical media sales, but can also diminish the value of texts as the time-constrained theatre window is replaced with seemingly unconstrained availability (2013, p. 10). Tryon also addresses the parallel development of streaming and social media platforms, which can lead to 'free' marketing for cultural texts through widespread word-of-mouth and overlapping fan cultures (2013, p. 16).

Discussing "digitalisation," David Hesmondhalgh cautions against the argument that digital technologies and the internet have ushered a new era for the cultural industries, arguing instead that dominant neoliberal trends persist in the cultural sector despite new ground-breaking platforms and modes of access (2013, p. 361). As Amanda Lotz and Daniel Herbert argue, "[t]he business of the cinemas is more affected by new distribution technologies than the business of studios that have mechanisms to earn revenue regardless of how viewers watch movies," despite movie theatres continuing to remain profitable until the COVID-19 pandemic (Lotz & Herbert, 2021, p. 100).

Streaming services, alternatively, offer a new business model:

In many ways, the streaming services can be seen stepping in to make the kinds of movies, such as midrange dramas, that Hollywood stopped making—or at least prioritizing—as it sought movies that would reach expanding markets and drive people to the theater. As a result, streaming

services seem beneficial to studios and viewers, and not necessarily bad for theater owners. (Lotz & Herbert, 2021, p. 107)

In this sense, streaming services supplement the fare shown in most movie theatres (Lotz & Herbert, 2021, p. 112): “moviegoing persisted because it is about more than acquiring the film; it involves an element of experience not fully substituted in viewing at home” (Lotz, 2021, p. 156). Contrary to David Hesmondhalgh’s claim that the cultural industries benefit from “[a]rtificial scarcity,” Amanda Lotz and Daniel Herbert argue that streaming services demonstrate that giving audiences increased access to a wide array of titles is profitable for movie studios (Hesmondhalgh, 2013, p. 31; Lotz, 2021, p. 163; Lotz & Herbert, 2021, pp. 105, 113).

If attention is shifted to include user-generated content on platforms like YouTube and TikTok, defining ‘streaming’ becomes a more complicated task. David Beer uses the term “prosumer” to describe the user who is both a consumer and producer of media content (2014, p. 51). Beer uses the term “classificatory imagination” to explain that, while users are generally capable of exercising their own methods of tagging, organizing, and uploading personal and commercial content, they’re nonetheless continually influenced by previous categorizations (2014, pp. 46, 53, 55, 60). New media scholars frequently make reference to Gilles Deleuze’s theory of the “society of control,” entailing a social arrangement “like a universal system of deformation” that is continually shifting and following individuals as they travel from one social sphere to the next (1992, pp. 4–5). Indeed, the controllers, in this instance, are the organizations that own streaming services that guard and shape the circulation of their contents; the large tech corporations that develop the infrastructures and global networks that media organizations are increasingly dependent on, including the surveillance and collection of users’ information (Chalaby & Plunkett, 2021, pp. 11, 17–18; Zuboff, 2015). In the case of Netflix, the platform itself exerts a degree of control through its recommendation algorithm (Hallinan & Striphas, 2016).

Numerous scholars over the past two decades have focused on how groundbreaking technologies have created new forms of popular culture. For Henry Jenkins, the form is “convergence culture,” a postmodern convergence between users and the authorities that shape their behaviours:

Convergence, as we can see, is both a top-down corporate-driven process and a bottom-up consumer-driven process. Corporate convergence coexists with grassroots convergence. Media companies are learning how to accelerate the flow of media content across delivery channels to expand revenue opportunities, broaden markets, and reinforce viewer commitments. Consumers are learning how to use these different media technologies to bring the flow of media more fully under their control and to interact with other consumers. (2006, pp. 2, 18)

Jenkins is also credited with the term “participatory culture,” which accounts for the increased interactivity within fandoms and subcultural developments (Barney et al., 2016, p. viii). What Barney et al. term the “participatory condition” refers to how participation has “become a contextual feature of everyday life in the liberal, capitalist, and technological societies of the contemporary West” (2016, p. vii). Contrasting this, Blake Hallinan and Ted Striphas offer “algorithmic culture” to emphasize the degree to which digital media platforms (Netflix, in their case) apply computer engineering as a tool for refining cultural tastes, despite how faulty these algorithms can be (Hallinan & Striphas, 2016, p. 119; Raley, 2019, p. 129).

For public policy researchers concerned with the distribution of cultural texts, Netflix poses a complex problem, since the mere addition of local content to Netflix catalogues may not necessarily be enough to incentivize users to watch it (Lobato, 2018, pp. 251–252). As a platform with an international user base, each Netflix region has its own unique catalogue of titles for users to choose from and seek through the recommendation algorithm (Lobato, 2018, pp. 244–245). While American movies and TV shows tend to constitute a large percentage of each catalogue’s selection, users are still able to navigate titles from around the world, if in a more limited capacity (Aguiar & Waldfogel, 2018, pp. 442, 444; Lobato, 2018, pp. 246–247). As a producer of content, Netflix has also produced shows in various languages (Aguiar & Waldfogel, 2018, pp. 443–444). Mareike Jenner’s *Netflix and the Re-invention of Television* explores the extent to which Netflix destabilizes understandings of television as a medium, seeing it as “part of a reconception of television that is still ongoing” (2018, p. 17). Jenner also explores the extent to which Netflix destabilizes national communication systems, opting to use the term “transnational” over “global,” as the latter term ignores the inaccessibility of the platform in certain regions:

. . . the transnational encompasses some of the tensions between local and global inherent in processes of globalisation. Netflix is a company operating

under the principles of American neoliberalism and transports these values through a variety of means (texts, publication models, marketing, etc.), but it is also a vehicle for cultural exchange. Transnationalism for Netflix is a complex network of practices of domestication and cultural exchange, of relationships audiences have with US imports and existing national media systems, of the internet and television, the national and the transnational. (2018, pp. 191–192)

Elemental of the difficulty in analyzing Netflix and other streaming services is the constant flux of the library's content due to frequent additions and content license expirations in different geographic regions. Each regional Netflix catalogue is difficult to navigate outside of its region, to the extent that researchers and users are nearly required to consult unofficial third-party services such as Unogs or Netflixable to navigate and browse regional content selections (Lobato, 2018, p. 245). Wolfgang Ernst argues that digital databases are "microtemporal" rather than "macrotemporal," favouring accumulation rather than selection and serving use for identifying linkages between texts and artifacts rather than preserving or understanding the texts themselves (2012, pp. 82, 86, 84). For Rick Prelinger, YouTube exemplifies a reconfiguration and reformation of archival institutions, which has potential for changing our archival practices in such a way that integrates impermanence in its makeup:

YouTube appropriates the eyes and ears of the public by offering easy access to subsets of cultural expression unavailable elsewhere without great effort. . . . YouTube convinces us of conditions that we know to be true yet resist accepting: that the drive to preserve everything is quixotic, that comprehensive archival projects cannot succeed in an age of infinite media, and that we must accept the inevitability of loss and make it part of our archival practice. (2016, pp. 203–204)

However, because Netflix's algorithms are intended to personalize viewing experiences for individual users, the platform can lack the curatorial capability of introducing users to international and/or more challenging content (Huffer, 2017, pp. 151–152).

The rising popularity of Netflix has ignited a "renaissance of cultural protectionism in many nations and a reassertion of the regulatory power of the nation-state" (Lobato, 2019, p. 144). Antonios Vlassis demonstrates that American content continues to dominate the global film market, due to the exportability of the content as well as the technological innovations feasible due to the vertically integrated and conglomerated nature of the industry (2020, pp. 10–11). While this may concern federal policymakers, Ramon Lobato points out that addressing this problem means addressing policies

designed for a simpler media ecosystem made up by traditional broadcasters and carriers (Lobato, 2019, pp. 137, 7–9). What Lobato goes on to assert, however, is that fears of American cultural imperialism are largely unjustified, focusing on “the *distribution*, not reception, of content,” ignoring the existing desire for local content:

. . . the challenge of explaining international television flows is not so much about picking one paradigm over another (globalization vs. cultural imperialism) but rather about making careful distinctions between distribution and reception, economic structure and audience/buyer agency, and the more specific dynamics of various program types. (2019, pp. 141–144)

Alternatively, because of the export potential of American programs, this content can be viewed as schedule-filling “rather than an unstoppable force of cultural domination” (Lobato, 2019, p. 142). Lobato further cautions against understanding Netflix and other streaming services as having a universal effect in all countries, reminding that Netflix exists within different contexts and, by providing primarily American and anglophone programs, appeals to different audiences in different countries:

The assumption that audiences necessarily *want* to see their own stories on Netflix more than they want to see Hollywood stories is questionable because the wider national media landscape may already be structured and regulated to provide significant amounts of local content through existing broadcast and pay-TV channels. . . . The trick is to use *both/and* rather than *either/or* thinking. Audiences do not choose between the local and the global but combine both in their everyday lives. (2019, pp. 136, 156–157, 160)

As Ian Huffer explains, the nation can serve as an inorganic categorization to highlight local content to support local industries, often requiring a pre-determined interest by the user (2016, p. 703). Huffer ultimately deduces that the nation can be understood “as one coordinate among many” in categorizing content, though not all platforms consider this in their interfaces (2016, p. 703). Through an audience survey conducted in 2015 in New Zealand, Ian Huffer concludes that theatres and cinemas still play a large role in showcasing films from around the world to interested audiences, despite the availability of international films on streaming platforms (2017, pp. 151–152). Huffer identifies a correlation between social class and the consumption of international cinema: older filmgoers are more likely to have a higher income and interest in seeing non-Hollywood films, but are less likely to watch films online (2017, pp. 151–152). Furthermore, in Diana Crane’s 2014 review of the American film industry and its global

impact, Crane identifies Hollywood as a “super producer,” though this is partly due to most American films being produced with indistinguishable cultural values for global audiences (2014, pp. 369, 375–376). Nevertheless, catalog availability remains an issue worth considering, particularly if Canadian content is more visible on a less popular platform (Burgess & Stevens, 2021, pp. 76–77). With Netflix seen as a potential threat in other countries, some European Union member states imposed a Netflix tax in 2020, largely driven by the notion of integrating Netflix within local cultural economies (Kostovska et al., 2020, pp. 15–16).

As the experience offered by Netflix can differ by geographic region, copyright licenses, personalized algorithms, and user tastes, it remains an elusive object of study. Netflix remains the primary service under the academic microscope, to the point that the company is nearly synonymous with the term ‘streaming service.’ Other services that are worthy of scholarly consideration include niche services (e.g., Criterion Channel, MUBI, Shudder, Crunchyroll, BritBox) and vertically-integrated “studio-based” services (e.g., Amazon Prime, Disney+, Paramount+, Peacock, CBS All Access, HBO Max) (Lotz & Herbert, 2021, p. 117). Within the broader context of online platforms, streaming services like Netflix lack the participatory ‘prosumption’ that other blended platforms like Facebook and YouTube offer: “Internet television does not replace legacy television in a straightforward way; instead, it adds new complexity to the existing geography of distribution” (Lobato, 2019, pp. 5, 7–8, 186). In the broader new media environment, this ‘complexity’ is increasingly paradoxical, complicating the boundaries of scarcity and abundance, local and global, producer and consumer, “microtemporal” and “macrotemporal,” and “publicity and privacy” (Chun, 2016, p. ix; Ernst, 2012, pp. 82, 86, 84). Understanding online platforms and streaming services requires understanding a complicated arrangement of relationships between consumers, producers, governments, and the owners of these platforms, each with unique and fluctuating agencies and motivations.

1.2. Platforms as a Regulatory Problem

With OTT online streaming platforms, regulators are confronted not only with the complex and longstanding question of cultural sovereignty amid an era of globalization (Lobato, 2019, p. 12), but also the issue of what Poell et al. call platformisation: “the penetration of the infrastructures, economic processes, and governmental frameworks of

platforms in different economic sectors and spheres of life,” leading to “the reorganisation of cultural practices and imaginations around platforms” (2019, pp. 5–6). More specifically, platformisation normalizes multi-sided markets, gathers and sorts users’ data through algorithmic and automated means to create a reliable feedback loop, and presents policy and regulation challenges concerning freedom of speech, transparency, and accountability (Nieborg & Poell, 2018, pp. 4276, 4285, 4286, 4289; Poell et al., 2019, pp. 6, 7, 8). For instance, the availability and business model of streaming platforms has led to conflicts with prestigious film festivals and uncertainty as to whether both distribution and exhibition models are compatible (Burgess & Stevens, 2021, pp. 73–74).

In the cultural sector, platforms wield significant socio-economic power. Netflix’s business strategy, it appears, entails appealing to niche audiences by providing a diverse array of content representing various genres, employing algorithmic structures to personalize viewing experiences, and expanding services internationally (Cunningham & Scarlata, 2020, pp. 6–9). Stuart Davis uses the term “Netflix imperialism” to describe Netflix’s vertical integration, its transnational services, and its regulatory irresponsibility and tax avoidance strategies (S. Davis, 2021, pp. 6–12; Havens & Lotz, 2017, p. 35). However, what pushes Netflix’s “*imperialist ambitions*” further is its ability to utilize user data to improve algorithmic recommendations, thereby placing consumer satisfaction as a justification for monopolistic behaviours (S. Davis, 2021, pp. 11–13). Though Canada’s exemption of cultural products from free trade agreements has kept the door open for future cultural policies (Gagné, 2020, p. 308), this has been challenged by digital platforms and the United States’ determination to secure “digital freedom”:

Should online foreign suppliers have been required to emphasize Canada’s audiovisual content, it could hardly have been equated with a measure *restricting* access to its market or lead to disputes, especially if Canadian online suppliers were subject to similar regulations. (Gagné, 2020, pp. 304–305)

To counter this, governments can exercise control over the accessibility and use of online streaming platforms if there’s a socio-political benefit to doing so. As Jack Goldsmith and Tim Wu argue in their 2006 book *Who Controls the Internet?*, regional political and legal structures largely determine the use and function of the internet:

. . . human beings tend to cluster geographically, based on shared cultures, languages, tastes, wealth, and values. We've also seen that these different peoples in different places will often demand different types of Internet experiences and that the market will often comply. Often, however, these differences are also enforced through government coercion, as when France made Yahoo keep out Nazi goods, or when Australia made Dow Jones pay for libeling one of its citizens, or when the United States blocked Internet gambling from Antigua. This is the other side of globalization: the determined preservation of difference, the deliberate resistance to homogenizing influence. As the Internet becomes more and more bordered, as it twists and bends to meet local demands, the effects of these efforts cannot be ignored. (2006, pp. 180–181, 183)

These political and legal structures entail what Sandra Braman calls the transition towards the “informational state,” in which government transparency is diminished, citizens are increasingly surveyed, the effects of state borders are expanded, and policy tools once appropriate for media regulation require review and re-evaluation (2006, pp. 5–6). However, while the direction of media systems and regulations remain largely determined by the state and members of the corporate elite, Des Freedman urges caution against believing in a unidirectional process of media policymaking, emphasizing the influences of formal and informal deliberations, conflicts between civil society, the civil service, and political actors, as well as the distinctions between media content and telecommunications (though convergence practices and the internet challenge this) (2008, pp. 3, 11, 16–17). The move towards the informational state has coincided with the era of “de-territorialized digital capitalism” as outlined by Khalil and Zayani, in which digital platforms that transcend state boundaries are then re-territorialized through state interests and regulations (2020, pp. 5–6, 14). Another term developed by Nick Srnicek is “platform capitalism,” in which data is an increasingly valuable commodity and platforms are understood “as a new business model, capable of extracting and controlling immense amounts of data, and with this shift we have seen the rise of large monopolistic firms” (2017, p. 6). Alternatively, Shoshana Zuboff calls this mode of economic production “surveillance capitalism,” emphasizing the collection of data that formulates a database that only an elite class of ownership can access (2015, p. 85).

On platformisation and cultural policy, Bjarki Valtýsson writes that platforms wield significant power to manage cultural activities while pursuing economic growth, and that capturing platforms within public legislation can allow for democratic practices to safeguard their uses (2022, pp. 787, 789–790). However, as platforms continually evolve and expand their available functions to users, regulatory terminologies will need to

similarly expand and become flexible to encompass the range of platformisation (Valtysson, 2022, pp. 792, 796). Flew, Martin, and Suzor similarly interrogate online platforms and their implications for cultural policy, but as Valtysson frames platform activities between economic and cultural objectives while referencing Foucault's concept of governmentality (2022, pp. 789, 790, 791), Flew et al. understand platforms as operating in a balance of freedom and responsibility, noting that regulation of platforms tends to become a prominent fixture of public discourse through specific notorious "public shocks" that lead to calls for greater moderation (2019, pp. 39–41, 42–43). What makes regulating online platforms difficult is the asymmetry of national regulations that simultaneously attempt to regulate platforms with vast global userbases (Flew et al., 2019, pp. 45–46).

The increasingly global nature of online platforms further complicates notions of cultural imperialism in online spaces, particularly as presented by Goldsmith and Wu. Mirrlees asserts that the U.S. has remained the most powerful force in guiding online activities within and beyond its borders, advancing a "Global Internet Freedom agenda" that permits continuous surveillance and a neoliberal platform marketplace (2019b, p. 224). Sara Bannerman argues that, within this context, understanding "sovereignty-as-independence" is complicated by a reliance on platforms' data storage and "cloud" capacities (2022, p. 10). Alternatively, Bannerman draws on the work of Dal Yong Jin to describe "platform imperialism," understood as the relation and position online platforms have within historical and inter-governmental structures of power (2022, pp. 3–4). Bannerman argues that conversations around updating pre-existing legislation to meet the demands of new technologies threatens to repeat and maintain pre-existing marginalization that has persisted in Canada's communications system (2022, pp. 1–3). Bannerman argues that relationality can be used as an approach to amplifying the voices and concerns of those who have been marginalized and disenfranchised in the past through Canada's communications policy, challenging a singular and normative view of 'sovereignty' (2022, p. 13).

The term 'convergence' has played a noticeable role in the scholarship on platform regulation, whether applied to the platforms themselves or through "regulatory convergence" (Flew et al., 2019, p. 44; Valtysson, 2022, p. 791). In the Norwegian context, Ole Marius Hylland concludes that "digital cultural policy has developed *incrementally* and *sedimentarily*," and that while it's continually expanded since the

1970s, older elements have remained relevant and intact (2022, p. 823). Hylland uses the term “*hyperconvergence*” to describe this expansion in cultural technologies and their resulting politics (2022, p. 824). As digital platforms and services converge media and modes of circulation, legal terminology defining and encompassing the services and business models exercised by online platforms remains a site of tension. Kwak and Kim compare the trade negotiation strategies of the European Union and the United States with regards to audiovisual services, concluding that the EU takes an “all-or-nothing” approach to trade to allow for possible domestic regulations and protectionist measures on audiovisual services, while the United States takes a “salami-slice” approach to subdivide different areas of the sector (i.e., between ‘audiovisual services’ and ‘telecommunication services,’ which have different global trade implications) for possible market openings (Kwak & Kim, 2020, pp. 18–19). Nathishia Rebecca Chandy writes about a discrepancy between a ruling made by the Bombay High Court and the Copyright (Amendment) Act in India to determine whether streaming services can be considered “broadcasting organizations”; the court ruling concluded that streaming services ought to be excluded from the definition, therefore excluding them from being able to seek statutory licenses (2021, pp. 1525–1526).

While it’s clear that digital platforms provide various services and serve boundary-less audiences, regulatory frameworks will evidently require enough flexibility to accommodate future developments while imposing conditions on certain activities to achieve socio-cultural outcomes. Amid this problem, the public interest needs to be carefully considered, balancing opportunities for expression with social and democratic responsibilities (Dimitrieff, 2023; Flew et al., 2019).

1.3. Challenges in Canadian Broadcasting

Canada’s broadcasting and telecommunications systems are regulated by the Canadian Radio-television and Telecommunications Commission (CRTC), which is mandated by the Government of Canada to carry-out the objectives contained in the *Broadcasting Act* established in 1991 and the *Telecommunications Act* (Armstrong, 2016, p. 75; Bannerman, 2020, p. 229). The CRTC requires television and radio broadcasters, otherwise known as traditional broadcasters, to abide by a licensing system to ensure operations are Canadian-owned, as well as quotas to ensure that enough Canadian and public-interest content is broadcast at specified times (Armstrong,

2016, pp. 94–96, 133–134, 219–223). While what qualifies as ‘Canadian’ content—including films, recorded music, and television programs—is determined by the CRTC and certified by the Canadian Audio-Visual Certification Office (CAVCO), the CRTC doesn’t intervene in the film exhibition sector outside of traditional broadcasting activities (Armstrong, 2016, pp. 100–101; Edwardson, 2008, p. 271).

Film industries around the world have commonly been supported by public policies ranging from financial assistance to exhibition quotas, and Canada’s film industry is no exception (Blomkamp, 2012, pp. 630, 631; Neale, 1981, pp. 11–12). That said, Canada’s film industry has long been described as underwhelming by various academics and critics, often emphasizing the distinct inability of Canadian cinema to compete with Hollywood. Unlike in the province of Quebec, which has its own celebrity culture and where Canadian French-language films have been able to draw annual box office earnings of over 12% in recent years (Andrew-Gee, 2020; Edwardson, 2008; Institut de la statistique du Québec & Observatoire de la culture et des communications du Québec, 2022, p. 244), Canadian English-language films have largely been unable to gain wide distribution and mainstream attention (Gittings, 2018, p. 248; Houpt, 2015). In his 1990 book *Canadian Dreams and American Control*, Manjunath Pendakur writes that, “[w]hile 97 percent of theatre screen time in Canada is filled by imported films—most of which are marketed by U.S.-based media transnational corporations (commonly known as the majors)—most films produced by Canadians languish in cans” (1990, p. 29). Pendakur’s concern is still relevant today; according to data from the Canadian Media Producers Association in 2019—before the COVID-19 pandemic forced movie theatres to close—approximately 1.7% of the year’s box office revenue in Canada was generated by domestic films, while more than 91% was earned by films from the U.S. (CMPA, 2020). As Manjunath Pendakur chronicles, major American film studios have exercised significant, if not dominant, market and lobbying power over Canadian film distribution and exhibition since 1930 (1990, pp. 59, 67–68). Not only do major American film distributors have influence over the exhibition of American films in Canada, but federal and provincial tax credits have allowed for much of the film and television production that occurs in Canada to be led by international productions, often using Canada as a stand-in for other locations (Bailey, 2019; Druick, 2016, pp. 84–85; Gasher, 2002, pp. 5–6; Gittings, 2018, pp. 243, 248; Schnitzer, 2019, p. 87; Tinic, 2005, p. ix).

An optimistic counterargument that's made is that the Canadian film industry isn't given the credit it's due, and that the Canadian creative sector boasts significant potential for projects to receive critical acclaim and prestigious award nominations (Urquhart, 2012). This type of fare—independent and arthouse films—is increasingly being seen as a more successful endeavour on streaming platforms than in movie theatres, where Hollywood blockbusters take up the majority of the available screentime (Gittings, 2018, pp. 244–248; Lotz & Herbert, 2021, p. 107). This sentiment undergirds the 2011 update to Telefilm Canada's "Success Index," Peter Urquhart explains, in which box office performance is considered one factor alongside secured investments and film festival showcases that determine the success of Canadian cinema (Urquhart, 2012). In 2020, Telefilm Canada launched a consultation process to update its Success Index, citing the COVID-19 pandemic as a reason for updating the sector's success measurements (*Telefilm Canada Announces Changes*, 2020).

Despite significant intervention through the CRTC, the Canadian television sector is in a similar, albeit more complicated, situation with regards to the dominance of American content. While Canadian broadcasters are required to showcase Canadian programming for 50% of evening programming (as a public broadcaster, the Canadian Broadcasting Corporation has an increased quota of 60%), much of this quota is attained through non-fiction programming such as news, sports, format and reality programs (Armstrong, 2016, pp. 104–105, 108–109; Druick, 2016, pp. 77–78; Urquhart, 2012; Wagman, 2013). Though much of the fictional television programming viewed in Canada is American, Canadian television productions such as *Schitt's Creek* have been finding reasonable success outside of Canada, partly due to an absence of an identifiable Canadian quality in the show's content (Druick, 2016, pp. 84–85; Mirrlees, 2019a, p. 14; Patrick, 2018, p. 312).

Nevertheless, there remain significant challenges placed on the Canadian cultural industries with the arrival of online platforms. The introduction of online platforms entails at least three major changes in the Canadian broadcasting sector. Firstly, online platforms are largely international platforms that evade the regulations that are applied to traditional television and radio broadcasters, including Canadian ownership requirements and domestic content quotas (Armstrong, 2016, pp. 94–96, 219–223, 259). Considered a "subscription video-on-demand" (SVOD) "over-the-top" (OTT) streaming service, Netflix has pioneered a new method and platform for watching movies and TV

shows, allowing users to bypass traditional broadcast networks to watch titles from a revolving library for a monthly fee (Burgess & Stevens, 2021, pp. 68, 78; Snyman & Gilliard, 2019, p. 96). Since Netflix's origin in the United States, various other SVOD services have emerged internationally, including Amazon Prime Video and Bell's Crave platform in Canada (Lobato, 2019, pp. 12, 69, 153; Winseck, 2021a, p. vii). The 2019 launch of Disney+ inspired a new wave of streaming platforms developed directly by film and TV production companies, including HBO Max and Peacock (Lotz & Herbert, 2021, p. 116). Since traditional broadcasters are required to contribute a portion of their revenue towards funding Canadian content, the migration of audiences and advertisers towards international platforms threatens to reduce the amount of funding that goes towards domestic productions (Armstrong, 2016, pp. 133–134, 259–260; Stursberg & Armstrong, 2019, p. 8). With the increasing popularity of online platforms, a fear expressed by some scholars and critics regarding this trend is the lack of local or domestic content, and that a significant portion of the content made available to users is biased towards American content (Lobato, 2018, pp. 246–247; Vlassis, 2020, pp. 10–11).

The second major change that online platforms pose to Canadian broadcasting is that they offer programming on-demand, circumventing the scheduled programming of traditional broadcasters, which is often regulated within Canadian content quotas to ensure that enough Canadian content is available during peak viewing and listening hours (Armstrong, 2016, pp. 98–100). Even if there is Canadian content in the Netflix library, users aren't obligated to watch it in favor of imported international content. As Chuck Tryon describes in the book *On-Demand Culture*, consumers are presented with an illusion of unlimited options for audiovisual entertainment, compelling major organizations to enact strategies to coerce user habits:

. . . despite the seemingly unlimited choices made available through these online catalogs, users often face bewildering limitations, as video-on-demand (VOD) services compete over streaming rights to movies while internet service providers and cell phone services seek to limit the amount of data consumers use to watch video. . . . Meanwhile, anti-piracy discourses, not to mention tighter controls over digital rights management, serve to dissuade even legitimate forms of copying, sharing, and "bootlegging" of movies. (2013, pp. 2, 3)

With online platforms, the promotion of local content is left to the whim of recommendation algorithms (Hallinan & Striphias, 2016, pp. 117–118). The *Online*

Streaming Act attempts to address this challenge by enabling discoverability provisions, which would presumably be implemented by the CRTC to ensure that enough Canadian content on any given platform is “discoverab[le]” and “showcas[ed]” adequately to Canadian users (Canada. House of Commons, 2022f, pp. 8, 14).

Thirdly, online platforms—particularly social media platforms—welcome content produced by users, which can sample or be placed alongside commercial content (Lobato, 2018, p. 244; Russell, 2018, p. 21). This phenomenon is captured by David Beer’s description of social media consumers as “prosumer[s],” and more broadly in what Barney et al. describe as “the participatory condition” of social life with new media (Barney et al., 2016, p. vii; Beer, 2014, p. 51). This environment opens possibilities for direct engagement with cultural texts in the forms of original content, mash-ups, and memes, as well as new forms of marketing through word of mouth and the sharing of audiovisual clips (Denisova, 2019; Russell, 2018, p. 21; Tryon, 2013, p. 16). Nevertheless, this produces a regulatory problem for policymakers who not only have to distinguish between commercial and non-commercial content—as is attempted in the *Online Streaming Act*—but also address instances in which non-commercial content makes authorized or unauthorized use of copyrighted material (Canada. House of Commons, 2022f, pp. 9–10; TikTok Canada, 2022, pp. 2–3).

Online platforms pose other challenges beyond cultural policy. A great deal of concern is expressed towards the use of user data and the extent to which users’ privacy is protected by platform overseers (Nielsen & Ganter, 2022, pp. 21–22; Srnicek, 2017, p. 6; Zuboff, 2015). The misuse of copyrighted material, either due to inadequate compensation or unauthorized uploads, is also of concern to policymakers, as is the spread of misinformation and hate speech (Freedman, 2018; Tanielian & Kampan, 2019). In the age of “convergence culture,” as audiovisual content is consumed on the same platforms that allow political discourses to proliferate, policymakers need to investigate the link between algorithms and socio-economic prosperity (Hallinan & Striplas, 2016; Jenkins, 2006, p. 2).

Nevertheless, content regulation remains a common concern among nation-states in their approaches to platform regulation (Evens & Donders, 2018, p. 185). The uncertainty of the subject of platform regulation—whether it should target the content that services like Netflix provide or the visibility of the content through the services’

algorithms (Lobato, 2019, pp. 150, 158), and whether all services should be treated equally—has characterized much of the Canadian discussion of the *Online Streaming Act*. While power can be accrued by streaming platforms through influencing the infrastructures that determine their operating environments, regulators can influence the contextual dimension in which these environments can exist (Evens & Donders, 2018, pp. 5, 247).

1.4. Canada's Approach to Online Platforms

As Ben Schnitzer explores, the Government of Canada's 2017 deal with Netflix is contextualized by a legacy of disputes in national cultural policy between a perceived central Canadian "cultural elite," exemplified by high-culture patrons like Vincent Massey, and western populists who view efforts to regulate Canadian culture as a self-interested attack on Canadian consumers (2019, pp. 91, 92, 93, 96). This represents the unresolved debate of Canadian cultural sovereignty, complicated not only by the western Conservative and central Liberal divide, but also by competing regulatory jurisdictions and persistent globalization (Schnitzer, 2019, pp. 88–90). Regional divides like the one between western and central Canada could be addressed through cultural policy; for example, Norway has, in the past, implemented film policies that require film activity to happen in all regions of the country through public subsidies, though this approach has since been shifted to a more decentralized model in 2015 (Sand, 2018, p. 98).

The split between the Liberal cultural elites and Conservative populists observed by Schnitzer is helpful for illustrating the tension between Canada's nation-building and economic pursuits, but it's important to note that this divide is primarily a partisan one. The nationalism/neoliberalism tension in Canadian cultural policy is complicated by inter-regional divisions (Eastern vs. Western Canada); disputes in the values of high and low culture; differences between Anglophone, Francophone, and Indigenous populations; and domestic, American, and globalized economic forces that pervade the Canadian cultural industries amidst Canada's relatively small market (Edwardson, 2008, p. 161; Pendakur, 1990; Schnitzer, 2019; Stone et al., 2018, pp. 11–12; Tinic, 2005). For example, in the mid-1960s, a sense that Canada's cultural sovereignty needed protecting crossed partisan lines (Edwardson, 2008, pp. 136–138); George Grant, a well known Canadian political philosopher and "anti-capitalist conservative," wrote *Lament for a Nation* in response to the electoral defeat of Diefenbaker's Progressive Conservative

federal government to Pearson's Liberals, arguing that Pearson represented a concession to American cultural dominance that Diefenbaker's government failed to prevent (though Grant later admired Liberal leader Pierre Trudeau when he became the Prime Minister) (Edwardson, 2008, pp. 136, 145; Grant, 2005, pp. 6–7; Szeman & Pendakis, 2015). The Progressive Conservative government in Ontario in the 1960s was also responsible for overhauling and expanding its provincial education system, which was partly a response to growing concerns of deteriorating cultural sovereignty, as well as a need for modern curricula to better meet the socio-economic demands of post-war society (Cole, 2021, p. 14). While the Liberal Party may be more associated with cultural sovereignty as the Conservative Party is associated with "*consumer* sovereignty," the division is by no means a seamless one (Schnitzer, 2019, pp. 90, 97).

Because online services were formally exempted from Canadian broadcasting regulation in 1999 through the Digital Media Exemption Order, Netflix entered the Canadian media market in 2010 without abiding by the same content regulations that TV channels and other undertakings are required to follow (C. H. Davis & Zboralska, 2017, p. 9). From 2013 to 2014, during which the Government was led by Prime Minister Stephen Harper and the Conservative Party, the CRTC launched a public consultation titled "Let's Talk TV" with the goal of reducing regulatory barriers facing Canadian broadcasters in favour of consumer preferences and needs (C. H. Davis & Zboralska, 2017, pp. 5, 13). The consultation resulted in the unbundling of cable TV packages available to consumers, as well as a reduction in quotas for Canadian content on television (C. H. Davis & Zboralska, 2017, pp. 16–17). Amid the consultation process, Netflix claimed that its operations didn't fall under the regulation of the *Broadcasting Act* and refused to comply with the CRTC's request for information regarding the platform's subscribers and content offerings, (C. H. Davis & Zboralska, 2017, pp. 15–16). As a result, the exemption of online services from Canadian broadcasting regulation remained unchallenged. Since its launch in Canada in 2010, Netflix has amassed more than 18 million Canadian subscribers, and is projected to increase its subscribership to 20 million by 2025 (C. H. Davis & Zboralska, 2017, p. 9; Gruenwedel, 2021).

Extensive political coverage of online platforms in Canada can be traced back to the 2015 federal election campaign. Three days into the 2015 Canadian federal election campaign (*Canada Election 2015: Stephen Harper Confirms Start of 11-Week Federal*

Campaign, 2015), Stephen Harper tweeted his opposition to any possibility of a Netflix tax via a short video showing himself beside the Netflix logo:

Something you might not know about me is that I love movies and TV shows. One of my all-time favourites is *Breaking Bad*; it's even available on some online streaming services if you've never seen it. But I'm running for Prime Minister, so why am I talking to you about TV shows? Because some politicians want to tax digital streaming services like Netflix and YouTube. Some have even called on us to introduce a 'Netflix tax.' Now, Justin Trudeau and Thomas Mulcair have left the door wide open to doing just that. I'm 100% against a Netflix tax; always have been, always will be. So the choice is clear: only our Conservative Party can be trusted to focus on the needs of Canadian consumers and to keep your taxes low. Only our party can be trusted not to bring forward a new Netflix tax. (Harper, 2015)

Of course, the other major parties hadn't promised to create such a tax, and the leaders denied such accusations almost immediately (Vlessing, 2015). In June 2017, the Standing Committee on Canadian Heritage published a report called *Disruption: Change and Churning in Canada's Media Landscape*, which included recommendations for modernizing Canada's media industry amid digital innovations, including "expand[ing] the current 5% levy for Canadian content production on broadcasting distribution undertakings to broadband distribution" (Standing Committee on Canadian Heritage, 2017, p. 44). In response to this, Trudeau spoke at a news conference with a similar tone that Harper had used earlier:

Let me be very clear: we got elected a year and a half ago on a commitment to help the middle class and to lower taxes for the middle class. First thing we did in government was lower taxes for the middle class and raise them on the wealthiest 1%. We respect the independence of committees in parliament and the work and the studies they do. But allow me to be clear: we're not raising taxes on the middle class, we're lowering them. We're not going to be raising taxes on the middle class through an internet broadband tax. That is not an idea we're taking on. We're going to focus on lowering taxes for the middle class as we always have. (*Netflix Tax? Trudeau Says No to MPs' Proposed Broadband Internet Levy*, 2017)

Leading up to the tabling of Bill C-10 in November 2020, a series of reports and studies were conducted as apparent efforts to steer the direction of policy and discourse around encompassing online platforms within federal legislation. In September 2017, the Government of Canada published the *Creative Canada Policy Framework*, which included commitments to "invest[] in Canadian creators and cultural entrepreneurs" through existing public funding agencies and to update the *Broadcasting Act* to account

for platformisation (C. H. Davis & Zboralska, 2019, pp. 161, 163). Among the policy framework's priorities is a shift from the consumer-focused rhetoric from the "Let's Talk TV" proceedings to an emphasis on market-based solutions to cultural content issues, promoting Canadian content internationally and committing to building partnerships with larger organizations as opposed to taxing them outright (C. H. Davis & Zboralska, 2019, pp. 161–163, 166). When the *Creative Canada Policy Framework* was launched, then Minister of Canadian Heritage Mélanie Joly announced that Netflix had promised to build a production facility in Canada and to spend \$385 million on Canadian production over the course of five years without needing to abide by specific cultural policy conditions (C. H. Davis & Zboralska, 2019, pp. 163–164). A more recent figure states that Netflix has spent \$2.5 billion in Canada since 2017 (Kanter, 2021). Since this announcement, Netflix has worked towards opening a local office in Toronto, and has appointed Tara Woodbury as their Canadian content executive (*Netflix Canada Hires Winnipeg-Raised Tara Woodbury as Canadian Content Executive*, 2021). Though the deal was met with criticism as an explicitly market-centric approach to achieving cultural policy objectives (C. H. Davis & Zboralska, 2019, pp. 163–164), Giulia Taurino argues that the scale and global scope of the platform allows for simpler exportability than individual rights negotiations with various international broadcasters, providing a significant opportunity for economic objectives (2020, p. 303).

In 2018, the CRTC published its own report on the matter of technological changes in the domestic broadcasting sector. The online-only report, titled *Harnessing Change: The Future of Programming Distribution in Canada*, concluded that adaptability and flexibility within broadcasting policy is key for properly regulating online platforms, and that producing and promoting high-quality domestic content will garner positive attention locally and abroad—as long as all industry players are willing to participate (Canadian Radio-television and Telecommunications Commission, 2018, sec. Conclusions and Potential Options). That same year, the federal government appointed the Broadcasting and Telecommunications Legislative Review Panel to review and provide recommendations on Canada's telecommunications and broadcasting legislation. The resulting report, titled *Canada's Communications Future: Time to Act*, included ninety-seven recommendations, advocating for an expansion of the CRTC's role and the creation of a "technology neutral" registration system for online services,

alongside increased support for Canadian content and news programming (Broadcasting and Telecommunications Legislative Review Panel, 2020, pp. 9, 11–13, 17–18).

By the time Bill C-10 was tabled in November 2020, it had been made clear by various public agencies that a policy response to online platforms needs to be both flexible yet binding enough to yield participation from foreign players. When the bill had reached the amendment stage in the Standing Committee on Canadian Heritage, the deliberations hit a point of discord in April 2021 when a specific amendment was passed that removed a section of the bill that enacted a blanket exemption of user-generated content (Standing Committee on Canadian Heritage, 2021a). The argument in favor of this amendment was that a generalized exemption would be taken advantage of by commercial enterprises as a loophole, and that a more targeted section would be necessary to allow the CRTC to collect specific information from platforms regarding user activity and monetization (Standing Committee on Canadian Heritage, 2021b). In response, Conservative members focused their attack on the bill almost exclusively with the argument that the bill would infringe on the right to freedom of expression. Despite being passed by the House of Commons in June 2021, Bill C-10 was discarded following the 2021 federal election and reintroduced after the Liberals were re-elected to form government (Carbert, 2022a). The renewed bill—Bill C-11, referred to by its shorter name the *Online Streaming Act*—included a longer series of sections distinguishing the undertakings that are intended to be regulated (Canada. House of Commons, 2022a, p. 7). After over a year of deliberation, the *Online Streaming Act* received royal assent in April 2023 (*C-11 (44-1) - LEGISinfo*, n.d.).

Having received royal assent, the *Online Streaming Act* updates the federal *Broadcasting Act* by “add[ing] online undertakings — undertakings for the transmission or retransmission of programs over the Internet — as a distinct class of broadcasting undertakings” and “specify[ing] that the Act does not apply in respect of programs uploaded to an online undertaking that provides a social media service by a user of the service, unless the programs are prescribed by regulation” (Canada. Statutes of Canada 2023, 2023, p. ii). The inclusion of online undertakings expands the CRTC’s regulatory mandate to include online platforms and activities, though the Commission is expected to develop regulation that

. . . takes into account the variety of broadcasting undertakings to which the Act applies and avoids imposing obligations on any class of broadcasting undertakings if that imposition will not contribute in a material manner to the implementation of the broadcasting policy. (Canada. Statutes of Canada 2023, 2023, p. iii)

Prior to the *Online Streaming Act*, the *Broadcasting Act*'s diversity mandate was largely limited to section 3(1)(d)(iii), which stated that

the Canadian broadcasting system should . . . through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society. (*Broadcasting Act*, S.C. 1991, c. 11, 2020, sec. 3(1)(d)(iii))

With the *Online Streaming Act*, however, this section is expanded significantly, adding multiple sections devoted to inclusions in programming and employment offerings for BIPOC Canadians, as well as those from minority language communities and “diverse ethnocultural backgrounds, socio-economic statuses, abilities and disabilities, sexual orientations, gender identities and expressions, and ages” (Canada. Statutes of Canada 2023, 2023, p. ii). The act also modifies the stipulation for Canadian ownership: while the *Broadcasting Act* mandated that “the Canadian broadcasting system shall be effectively owned and controlled by Canadians,” the *Online Streaming Act* adds that “it is recognized that it includes foreign broadcasting undertakings that provide programming to Canadians” (*Broadcasting Act*, S.C. 1991, c. 11, 2020, sec. 3(1)(a); Canada. Statutes of Canada 2023, 2023, sec. 3(1)(a)).

In the following chapters, the debates that surrounded Bill C-10 and Bill C-11 will be explored through the results of a manual frame analysis, providing a detailed overview of the politics of online platforms and how they contribute to the history of the politics of Canadian film and broadcasting policy. Chapter 2 introduces the theoretical framework and method applied to the debates surrounding the *Online Streaming Act*; drawing on Foucauldian governmentality and Rittel and Webber's concept of “wicked problems” in policymaking, this project's frame analysis is anchored in an understanding that complex policy issues are often mired by administrative rationalities that exist for their own sake, based on a distorted—and oftentimes imperialist—understanding of the public interest. Chapter 3 provides a literature review of scholarly accounts of the history

of Canadian federal broadcasting and film policies, illuminating the historical tension between nationalism and neoliberalism that continues to influence Canadian cultural policy. The frame analysis is then divided into three chapters: Chapter 4 explores the political polarization on the issue of government interference in online platforms that addresses the uniquely convergent environment that online platforms cultivate, while Chapter 5 explores how the frames of 'cultural sovereignty' and 'economic growth' showcase the persistence of the nationalism/neoliberalism tension. Chapter 6, then explores the 'public good,' 'effectiveness,' and 'modernization' frames that encapsulate the remaining argumentative threads, showcasing concerns from parliamentarians and organizations regarding the tangible results that online platform regulation may yield. Finally, in the concluding chapter, the implications of this frame analysis will be restated and summarized, alongside implications for future research.

Chapter 2.

Theoretical Framework and Methodology: Framing Wicked Problems

To understand how the parliamentary debates surrounding the *Online Streaming Act* contribute to the ongoing politics of Canadian televisual broadcasting, a sample of parliamentary speeches and submissions from interest groups and organizations were coded to produce a frame analysis. This frame analysis is rooted in a theoretical framework drawing on Foucauldian governmentality and Rittel and Webber's (1973) theorem of the wicked problem. Together, these approaches illuminate the continuance and repetition of Canadian broadcasting politics. This chapter will detail the theoretical framework underpinning this project, as well as the frame analysis method undertaken.

2.1. Governmentality

The concept of 'governmentality' is attributed to the work of Michel Foucault, particularly in a series of lectures given in 1978 titled "Security, territory and population" (1991, pp. 87, 102). Prior to Foucault's theorization, the term was used by Roland Barthes "to describe the ongoing technocratization of French state government and what he understood as its depoliticization" (Rindzevičiūtė, 2016, p. 8). The concept refers to the evolving art of governance as documented from the fifteenth century to the present, encompassing a complex arrangement of institutions and practices that exercise power over the state's population while also securing the state's sovereignty:

We live in the era of a 'governmentality' first discovered in the eighteenth century. This governmentalization of the state is a singularly paradoxical phenomenon, since if in fact the problems of governmentality and the techniques of government have become the only political issue, the only real space for political struggle and contestation, this is because the governmentalization of the state is at the same time what has permitted the state to survive, and it is possible to suppose that if the state is what it is today, this is so precisely thanks to this governmentality, which is at once internal and external to the state, since it is the tactics of government which make possible the continual definition and redefinition of what is within the competence of the state and what is not, the public versus the private, and so on; thus the state can only be understood in its survival and its limits on

the basis of the general tactics of governmentality. (Foucault, 1991, pp. 102–103)

Foucault's definition of the term describes it as a "process" and its "tendency" to take place, establishing an "ensemble" of "institutions" that "has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security" (1991, pp. 102–103). Through governmentality, the state justifies itself (Foucault, 1991, pp. 101–102). Within Foucault's theorization of governmentality is the concept of "biopolitics," which is understood to refer to the "management of a population," possible through collecting data and formal methods of categorization and identification (Foucault, 2009, p. 22; Means, 2022, p. 1968). Through a governmentality of liberalism, this management is possible through the State's definition of 'freedom' (Means, 2022, p. 1969). Neoliberalism, as will be defined in a later section, brought a shift from understanding the State as holding an absolute power over a population to prioritizing the market, and from an emphasis on freedom as distinct from State territory to "pure competition" between individuals (Peters, 2007, p. 171):

Neo-liberalism no longer locates the rational principle for regulating and limiting the action of government in a natural freedom that we should all respect, but instead it posits an artificially arranged liberty: in the entrepreneurial and competitive behaviour of economic-rational individuals. . . . The neo-liberal forms of government feature not only direct intervention by means of empowered and specialized state apparatuses, but also characteristically develop indirect techniques for leading and controlling individuals without at the same time being responsible for them. (Lemke, 2001, pp. 200, 201)

Thomas Lemke describes governmentality as the concept that bridges Foucault's studies of the "technologies of the self and technologies of domination" (2002, p. 50). Through the powers and technologies available to it, the state can coerce citizens towards certain roles and responsibilities:

One key feature of the neoliberal rationality is the congruence it endeavors to achieve between a responsible and moral individual and an economic-rational individual. It aspires to construct responsible subjects whose moral quality is based on the fact that they rationally assess the costs and benefits of a certain act as opposed to other alternative acts. (Lemke, 2002, p. 59)

In this way, governmentality also refers to the discursive function of normalization, "producing new forms of knowledge, inventing different notions and concepts that

contribute to the 'government' of new domains of regulation and intervention" (Lemke, 2002, pp. 54–55). It's not just that the state is capable of producing new antagonisms and oppositions, but is also able to rationalize contradiction (Lemke, 2002, p. 54). Neoliberalism, then, isn't merely a "retreat of the state . . . but a transformation of politics that restructures the power relations in society" (Lemke, 2002, p. 58).

Ferguson and Gupta emphasize governmentality as having a spatial incarnation and presence, to the extent that it can be measured and understood through ethnographic study (2002, pp. 981, 994). The authors challenge preconceived illustrations of the state as an all-encompassing and hierarchical structure, as these illustrations are based within the state itself: "The force of metaphors of vertically and encompassment results both from the fact that they are embedded in the everyday practices of state institutions and from the fact that the routine operation of state institutions *produces* spatial and scalar hierarchies" (2002, p. 984). As new technologies and platforms challenge these hierarchies, Ferguson and Gupta propose "*transnational governmentality*" to understand how mechanisms and processes transcend state borders:

Foucault was interested in mechanisms of government that are found within state institutions and outside them, mechanisms that in fact cut across domains that we would regard as separate: the state, civil society, the family, down to the intimate details of what we regard as personal life, Governmentality does not name a negative relationship of power, one characterized entirely by discipline and regulation; rather, the emphasis is on its productive dimension. (2002, p. 989)

Kim McKee similarly advocates for a "realist governmentality" that goes beyond mere policy documents and incorporates ethnographic research to address the lack of empirical insight in some governmentality scholarship (2009, pp. 473, 478, 482). Jeremy Packer elaborates that culture, through a governmentality lens, can be understood as a technology, or "as an arena for the shaping of conduct," exemplified through the organization and curation of museums or literary canons taught in schools (2013, pp. 14–15).

Due to the proximity between state and culture in Canada, governmentality has been an apt field through which to understand Canadian cultural policy. In *So Close to the State/s: The Emergence of Canadian Feature Film Policy*, Michael Dorland uses the Foucauldian concept of governmentality to understand the evolution of Canada's film

policy from “the pre-capitalist artisanal economy of film production, as it had developed either within or on the margins of the audiovisual production institutions of the state, to greater or lesser degrees of integration into the circuits of exchange of the international capitalist economy of audiovisual production . . .” (1998, p. 146). Dorland’s analysis incorporates careful analyses of discursive parties and their contributions to shaping Canadian film governmentality, which not only includes public agencies and committees, but also filmmakers and critics:

. . . governmentality is a process of the limitless practices of administrative rationality. Even though the stated objective of Canadian policy beginning in the 1950s was always clothed in the discourse of cultural development, the result saw some three decades of attempts to establish an industrial production entity, a Canadian film industry, and later, given its distribution problems, a film *and* a television industry. The objective of creating a domestic market for local audiovisual production apparently having been reached (to the limits of the pump-priming capacities of the state), the discourse of administrative rationality . . . simply swerves unblinkingly back to its own initial premises in search of further practices to colonize. From the perspective of the discourses of administrative rationality, the point is not the object of policy, it is that the ‘talk’ of policy be able to continue unabated. (1998, p. 146)

In his chapter on the Canadian “cultural policy apparatus,” Kevin Dowler explains that Canadian cultural policy and its many arms-length agencies are constructed due to the issue of sovereignty and security rather than the economy, or even the creation of a unique cultural identity (1996, pp. 330, 335). As Dowler explains, American media has been long considered an existential threat to Canada’s nationhood, influencing the Government of Canada’s creation of “a simulated civil society” through agencies and policy mechanisms rather than authentic cultural production led by civil society itself (1996, pp. 332–333, 335–336, 339). In high-stakes policy terrains, this approach to policymaking can neglect local insight and yield perilous results, as James Scott outlines in *Seeing Like a State*:

In sum, the legibility of a society provides the capacity for large-scale social engineering, high-modernist ideology provides the desire, the authoritarian state provides the determination to act on that desire, and an incapacitated civil society provides the leveled social terrain on which to build. . . Formal order, to be more explicit, is always and to some considerable degree parasitic on informal processes, which the formal scheme does not recognize, without which it could not exist, and which it alone cannot create or maintain. (1998, pp. 5–6, 310, 315)

A common metaphor used to describe Canada's broadcasting system is that of a "walled garden," emphasizing the extent to which ownership and control of the system remains within the oversight of the Canadian state (BCE Inc., 2021, p. 1; C. H. Davis & Zboralska, 2019, p. 154; Stursberg & Armstrong, 2019).

The paradox evident in the Canadian situation, then, is the level of state intervention elaborated by Dowler (1996) and the neoliberal rationality characterizing the Canadian broadcasting industry—evident with the 2017 deal with Netflix (Bourcheix-Laporte, 2020; C. H. Davis & Zboralska, 2019)—and the lack of an understanding of the public interest in broadcasting policy identified by Dimitrieff (2023). While this risks creating a "policy determinis[ti]c" narrative (Wagman, 2010, p. 620), various pundits nevertheless characterize Canadian film policy as a failed project (Gittings, 2018, p. 248), largely due to a neoliberal rationality contradicting the longstanding view that Canadian films pose a "market failure" (Bannerman, 2020, p. 192; Bourcheix-Laporte, 2020; Druick, 2012; Magder, 1993, p. 14; Pendakur, 1990).

2.2. Wicked Problems

The concept of wicked problems was developed by policy design theorists Rittel and Webber (Skaburskis, 2008, p. 277). In their paper "Dilemmas in a General Theory of Planning," Rittel and Webber argue that classical linear approaches to social planning are demonstrably inadequate, despite planners' stubborn devotion (1973, p. 159). The description of wicked problems outlined by Rittel and Webber positions the state as unequipped to address contemporary policy issues that have arisen amid increasing social diversification and disagreement in identifying problem sources (1973, pp. 159, 160, 162, 168, 169). Wicked problems, then, are impossible to solve adequately, and proposed solutions are likely to produce other problems that need to be solved in the future (Rittel & Webber, 1973, pp. 160, 162, 164):

As distinguished from problems in the natural sciences, which are definable and separable and may have solutions that are findable, the problems of governmental planning—and especially those of social or policy planning—are ill-defined; and they rely upon elusive political judgment for resolution. (Rittel & Webber, 1973, p. 160)

The issue, Rittel and Webber suggest, may not be the problem itself, but how the problem is framed by the problem-solvers, as well as the restrictively linear process

being undertaken to craft the solution (1973, pp. 159, 162). Due to their complexity, wicked problems can contribute to widespread distrust in civic institutions and policymaking processes among the general public (Head, 2019, p. 192; Rittel & Webber, 1973, pp. 156, 158).

Rittel and Webber contend that wicked problems have ten distinct features: wicked problems have “no definitive formulation”; they have “no stopping rule”; they can’t be solved in a true-or-false binary; their solutions have “no ultimate test”; they pose “no opportunity to learn by trial-and-error”; they “do not have an enumerable . . . set of potential solutions”; they are “essentially unique”; they “can be considered to be a symptom of another problem”; they are bound to the rhetorical framings of their problematization; and lastly, “[t]he planner has no right to be wrong” (Rittel & Webber, 1973, pp. 161–167). Farrell and Hooker argue that these ten features can be reduced to “three conditions,” being “finitude, complexity and normativity,” emphasizing the limits of human values and cognition that can inevitably stifle (2013, pp. 685–686, 701).

Turnbull and Hoppe, however, propose to use the term “problematicity” to emphasize the “political distance” inherent in some policy disputes (2019, p. 316). The authors argue that this conceptualization outdoes Rittel and Webber’s due to ‘wickedness’ serving rhetorical purposes rather than philosophical or theoretical ones, and that—despite the critique from Rittel and Webber—policy sciences have conceptually accounted for complexities in policy issues and policymaking processes (Turnbull & Hoppe, 2019, pp. 322, 324, 333). Coyne’s revisit of the ‘wicked problem’ concept offers a different problematization, arguing that Rittel and Webber’s concept doesn’t account for the insights that contemporary critical theory has long demonstrated that “[w]ickedness is the norm,” and that a more potent issue is the silos within which different scholarly disciplines operate (2005, pp. 12–14).

Nevertheless, other scholars have found usefulness in the concept of wicked problems as a launchpad towards constructive theories of policy generation (Crowley & Head, 2017; Head, 2019; Innes & Booher, 2016). Innes and Booher propose “collaborative rationality” as a process that can address the plurality of policy stakeholders through face-to-face engagements and an aim for building consensus between participants (2016, pp. 8–9). Addressing wicked problems requires addressing political and democratic processes; Rittel and Webber assert that current political

processes are impeded by individualistic ideologies and emphases on “inter-group rivalries” (1973, p. 168).

Scholars like Marchant (2020) and Rindzevičiūtė (2022) have begun to apply the ‘wicked problems’ concept to emerging technologies. What’s unique about trying to regulate new technologies, Marchant argues, is the speed at which technologies change and innovate, with each change potentially requiring new regulation:

No single optimum solution exists, but rather a collection of second-best strategies intersect, coexist, and—in some ways—compete. . . . The wicked problem concept recognizes there is often no single, optimal solution to such a problem, but rather a mix of substandard solutions that must “satisfice.” That is the best that can be done with a wicked problem. This also may be the best solution for the governance-of-emerging-technologies problem. (2020, p. 1862).

As Peter Urquhart (2012) has suggested, the conclusion of Canadian film and television sectors as ‘failures’ can be reevaluated through reframing the objectives of Canadian media production activity. Similarly, any current assessment over the *Online Streaming Act* will necessarily require an assessment of the act’s framing and “problem-definition” put forward by parliamentarians (Rittel & Webber, 1973, p. 156). This framing can be described as an exercise of governmentality, maintaining a position for the state’s continued governance over a policy issue through defining said issue and framing its solution, evident through Michael Dorland’s description of governmentality as “limitless practices of administrative rationality” (1998, p. 148).

2.3. Frame Analysis

The purpose of this research is to understand the parliamentary politics of the *Online Streaming Act* as it’s debated among federal partisans and affected organizations. To address the wicked problem of online platforms, the Parliament of Canada negotiated and defined the problem of such regulation through debating and formulating the *Online Streaming Act* and its amendments. Through this negotiation, the administrative rationality of governing ‘Canadian culture’ is both displayed and challenged by opposition parliamentarians and affected organizations. To understand the contents of these debates, this project applies a frame analysis to a representative sample of thirty-nine written submissions from film and broadcasting organizations and

twenty speeches from debates in the House of Commons that were selected spanning from November 3, 2020 to June 21, 2022.

'Frame' is both a noun and a verb: a frame is an understanding of an object or situation based on its perceived components, and orators and communicators can frame policy problems by emphasizing certain components through rhetoric to influence their audience (Entman, 1993, p. 52). Maria Löblich describes frame analyses as entailing a process of "reconstruction" on the part of the researcher, noting "patterns of interpretations" identified in the selected data (2019, p. 429). The type of frame analysis deployed in this project can be identified as a "manual holistic" analysis (Matthes & Kohring, 2008, p. 260). In this process, paragraphs—and, in some cases, smaller units of text—were coded for identifiable themes, and new codes were generated whenever new topics were introduced. After all the selected documents had been read through and coded, the codes were categorized into eight larger frames. This approach was chosen due to the non-uniformity of the documents analyzed, as it allows the researcher to capture as much detail as is evident in the data without applying a pre-conceived set of codes, which is useful for producing a qualitative evaluation and critique of policy discourses. This contrasts a more quantitative and element-driven analysis proposed by Robert Entman (1993), whose approach is most commonly applied to media texts rather than government documents. Whereas media articles commonly follow a prescribed style and genre of writing, the structures of the submissions analyzed here vary among the organizations involved. Devising frames, then, functions partly as a method of organizing data in a way that can be more easily analyzed and presented:

Frame analysis draws on the idea that media policy debates are not only, and sometimes not at all, debates about goals and problem-solving but debates about what is actually the problem. Frames analysis helps to find out which problem definitions compete with each other. Frame analysis is rather a perspective and a conceptual tool than a method. Frame definitions help to systematically and transparently identify frames. When the frame concept is embedded in a larger theoretical framework, frame analysis can go beyond describing frames. (Löblich, 2019, p. 431)

While the frames presented in the following paragraphs reflect the positionality of the individual researcher, the results offer a helpful outline of the concerns held among film and broadcasting organizations impacted by the *Online Streaming Act*.

The twenty speeches were chosen to equally represent the five major federal political parties—the Liberal Party of Canada (LPC), the Conservative Party of Canada (CPC), the New Democratic Party of Canada (NDP), the Green Party of Canada (GP), and the Bloc Québécois (BQ). Leading up to its passage by the House of Commons in June 2022, the *Online Streaming Act* went through four distinct phases: the second and third readings of Bill C-10, and the second and third readings of Bill C-11. From each of these four phases, one speech was chosen representing each of the five federal parties. In many cases, these speeches were chosen from the party’s designated Heritage critic (or, in the case of the LPC, the Minister of Canadian Heritage). The written organization submissions were chosen from affected organizations representing the domestic and international film industry, with a few chosen submissions from broadcasting organizations (e.g., the Canadian Association of Broadcasting, FRIENDS, and the Independent Broadcast Group). These written submissions were submitted to the Standing Committee on Canadian Heritage throughout the amendment stages of Bill C-10 and Bill C-11 (*C-10 (43-2) - LEGISinfo*, n.d.; *C-11 (44-1) - LEGISinfo*, n.d.).

The thirty-nine written submissions from film and broadcasting organizations were submitted to the Standing Committee on Canadian Heritage during the deliberation processes for both bills C-10 and C-11 in 2021 and 2022. The sampled submissions were chosen to reflect the various types of organizations and the elements of the broadcasting sector that they represent. The types of organizations sampled include creators’ unions and associations; associations representing producers, distributors, and exhibitors; broadcasting associations and advocacy groups (e.g., FRIENDS); public broadcasters (e.g., CBC/Radio-Canada); major broadcasting and telecommunication corporations (e.g., BCE Inc.); advocacy organizations representing marginalized demographics, including BIPOC, LGBTQ2S+, and official language minority communities; online platforms and representative associations; public funds (e.g., Canada Media Fund); and social issue advocacy groups. The thirty-nine submissions were chosen to ensure a balanced representation between these groups, though organizations who worked outside of traditional broadcasting—such as those involved in the film and new media sectors—were prioritized. Input from traditional broadcasters was largely represented by submissions from the Canadian Association of Broadcasters (2021, 2022) and the Independent Broadcast Group (2021). These submissions were coded alongside the parliamentary speeches; codes from the parliamentary speeches

often overlapped with the codes from the organizations' submissions, and all identified codes were involved in the formation of the eight overarching frames.

To identify frames, each of the chosen speeches and organization submissions were closely read and coded for every identifiable theme, including 'protect user content,' 'address hate speech and misinformation online,' and 'support local news.' Due to the rhetorical nature of these texts, the identifiable themes ranged in specificity. Once all of the selected texts were analyzed and coded for themes, these themes were amalgamated and combined to form frames. Out of this, eight overarching rhetorical frames were identified: 'regulatory fairness,' 'economic growth,' 'government overreach,' 'cultural sovereignty,' 'public good,' 'diversity,' 'modernization,' and 'effectiveness.' A breakdown of the codes counted in the selected speeches, as well as a complete listing of the speeches and documents that were coded, can be found in the Appendix.

These frames aren't mutually exclusive: there's reasonable overlap between them, as codes such as 'support for creators' could be considered elemental of the 'economic growth' and 'cultural sovereignty' frames, for instance. In cases such as this, codes were placed into frames depending on their context. For example, if an MP is talking about supporting Canadian artists/creators, it could be within a rhetorical context of supporting BIPOC or Francophone creators, or the context of supporting creators against American cultural imperialism, or of the economic benefits and growth that could result from supporting the arts, or including social media influencers within the umbrella of artists benefiting from public funds—all while encouraging financial support for Canadian productions.

However, what's equally important to consider in a study such as this is the temptation to fall into a sort of 'policy determinism' that Ira Wagman has warned against in the context of Canadian communication studies (2010, p. 628). Jeremy Packer similarly emphasizes that Foucauldian approaches to communication policy might overlook the power and agency of audiences, instead viewing them as overly impressed-upon by institutional activities (2013, pp. 17–18). Des Freedman calls for policy scholars to "defamiliarize the comfortable structures and familiar market-led paradigms of the policy process" in order to identify "policy silences"—spaces in which certain decisions and arguments are deliberately ignored by those with the power to act and decide which issues are granted legitimacy (2010, pp. 358, 355). These silences can lead to larger

“policy failures,” which, in the realm of media and communications, can have destructive implications for the institutions that safeguard democratic states (Freedman, 2018, pp. 610, 614–615). Written organization submissions were chosen as a data set for this project to avoid an overly deterministic perspective offered by parliamentary rhetoric, as well as to provide possible insights into which policy issues may go unaddressed by the passage of the bill.

Chapter 3.

Literature Review: Canadian Streams and American Control?

In the introductory chapter, it was explained that online platforms and streaming services constitute a paradoxical environment for the exchange of cultural texts, and that governments feel threatened by the power that these services wield due to their global reach. In Canada, the federal government has responded to this situation with the tabling of the *Online Streaming Act*, which follows the long history of the politics of Canadian broadcasting, itself conflicted with emphases on both nation-building and economic development. This chapter will review the scholarship outlining the key themes and debates present in the history of federal broadcasting and film policies in Canada and will end on a survey of literature covering recent developments in cultural legislations in Canada and beyond.

3.1. Themes in Canadian Film and Broadcasting Politics

Much of the scholarship on Canadian broadcasting and film industries addresses two key ideologies that underlie much of the relevant political discourses: neoliberalism and Canadian nationalism. The Government of Canada's efforts to cultivate domestic film and broadcasting sectors has largely been described as a state-driven nation-building exercise in response to the dominant popularity of American cultural texts, viewing Canadian content as a "market failure" (Bannerman, 2020, p. 192; Finn et al., 1996, p. 153). However, this cultivation has been conducted and justified through market-driven solutions, leading to opportunities for global export, often to the advantage of American companies. Appeals to nation-building and economic growth are often used as political justifications for the governmentality of Canada's cultural industries; these two themes will be addressed in turn in the following two subsections.

3.1.1. Neoliberalism

Neoliberalism, simply put, can be understood as a political theory that prioritizes free markets and market logics over public welfare, rationalizing market competition and

behaviours as an appropriate mode for delivering goods and services; as David Harvey explains:

Neoliberalism is in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices. . . . Furthermore, if markets do not exist (in areas such as land, water, education, health care, social security, or environmental pollution) then they must be created, by state action if necessary. . . . State interventions in markets (once created) must be kept to a bare minimum because, according to the theory, the state cannot possibly possess enough information to second-guess market signals (prices) and because powerful interest groups will inevitably distort and bias state interventions (particularly in democracies) for their own benefit. (Harvey, 2005, p. 2)

Harvey describes the practical effects of neoliberalism as consisting of a “withdrawal of the state from many areas of social provision,” as well as a keen interest in cultivating the potential of information technologies to improve marketing efforts (2005, p. 3).

Neoliberalism is contingent on a focus on individualism and a faith that wealth generated through capitalist endeavors will be adequately and efficiently distributed among the populace (Harvey, 2005, pp. 64–65). However, as David Harvey points out, “[c]ompetition often results in monopoly or oligopoly,” and the negligence of the state to properly regulate social welfare can lead towards militancy and anti-democratic practices (2005, pp. 65–67).

Wendy Brown, among other scholars, challenges the notion that neoliberalism is an ideology that entails a “withdrawal of the state,” suggesting instead, in a Foucauldian sense, an entire “political rationality” (Brown, 2006, p. 694; Harvey, 2005, p. 3):

. . . neoliberalism is not confined to an expressly economic sphere, nor does it cast the market as natural and self-regulating even in the economic sphere. Part of what makes neoliberalism “neo” is that it depicts free markets, free trade, and entrepreneurial rationality as *achieved and normative*, as promulgated through law and through social and economic policy—not simply as occurring by dint of nature. Second, neoliberalism casts the political and social spheres both as appropriately dominated by market concerns and as themselves organized by market rationality. That is, more than simply facilitating the economy, the state itself must construct and construe itself in market terms, as well as develop policies and promulgate a political culture that figures citizens exhaustively as rational economic actors in every sphere of life. . . . neoliberal political rationality

produces governance criteria along the same lines, that is, criteria of productivity and profitability, with the consequence that governance talk increasingly becomes market-speak, businesspersons replace lawyers as the governing class in liberal democracies, and business norms replace juridical principles. (Brown, 2006, p. 694)

The neoliberal mode of governance cultivated the political environment for far-right movements and figures due to its “demonized status of the social and the political” (Brown, 2019, p. 7). As a “modality of government” rather than a distinct ideology (Ferguson & Gupta, 2002, p. 989), however, neoliberalism transcends left-right politics; its adoption by centre-left figures is partly responsible for the rise of alt-right politics, Brown argues, despite its reported origins within conservative politicians of the likes of Margaret Thatcher and Ronald Reagan (2019, pp. 7, 11).

Neoliberalism is one of the most discussed themes in Canadian cultural policy scholarship. Gattinger and Saint-Pierre have written an account of the “neoliberal turn” in the provincial cultural policies in Ontario and Quebec beginnings in the 1980s, noting an increasing emphasis on decentralized funding sources, centralized administrative systems, and job creation, with the major distinction of Quebec’s tighter alignment between culture and state and Ontario’s primary focus on economic impacts (2010, pp. 296–298). Mariane Bourcheix-Laporte argues that the Government of Canada’s *Creative Canada Policy Framework* continues this “neoliberal turn” at the federal level, evident in the document’s noteworthy emphasis on “creative industries” rather than “cultural industries,” and embracing an entrepreneurial tone (2020). Taeyoung Kim makes a similar observation, but warns against oversimplifying the policy framework as a neoliberal move, recognizing the efforts by private organizations towards achieving cultural goals (2021, pp. 436–437). In a policy recommendation report published by the Macdonald-Laurier Institute, Jill Golick and Sean Speer argue that the solution to Canada’s CanCon woes is to modify cultural policy in a way that directly supports creators and producers rather than indirectly through support for broadcasters, thus investing in content that can be exported and can lead to a self-sufficient production sector, moving away from protectionist regulations (2019, pp. 18–20).

3.1.2. Nationalism

In a neoliberal state, as David Harvey notes, nationalism is a necessary solution to address the stark contradictions created by neoliberalism, as well as to compete in the

global economy: “Forced to operate as a competitive agent in the world market and seeking to establish the best possible business climate, [the neoliberal state] mobilizes nationalism in its effort to succeed” (2005, p. 85). Neoliberal states can resort to implementing quotas on foreign products as a strategy to maintain an internal market (Harvey, 2005, p. 71). The conceptualization of a nation is capable of cloaking economic tensions, as Ernest Gellner describes nationalist ideology as one that exists to perpetuate the existence and function of state institutions, and can take the form of a “false consciousness” to meet this end (1983, pp. 124, 133, 140, 141). Benedict Anderson similarly argues that a nation “is an imagined political community – and imagined as both inherently limited and sovereign” (2016, p. 20). Despite Anderson’s criticism that Gellner focuses too much on the verifiability of a nationalist ideology, both authors acknowledge the significance of the unique cultivation processes of nationalist ideas (Anderson, 2016, p. 20), with Gellner giving added focus on media activity:

The most important and persistent message is generated by the medium itself, by the role which such media have acquired in modern life. That core message is that the language and style of the transmissions is important, that only he who can understand them, or can acquire such comprehension, is included in a moral and economic community, and that he who does not and cannot, is excluded. All this is crystal clear, and follows from the pervasiveness and crucial role of mass communication in this kind of society. What is actually *said* matters little. (Gellner, 1983, p. 127)

The link between technology and Canadian nationalism has been clearly drawn by Maurice Charland, who contrasts the Canada Pacific Railway with the Canadian broadcasting system. While the railway may have been able to create an economic link throughout Canada’s vast geography, Charland argues, the faith in technology to cultivate a national identity was less realized in the development of Canadian broadcasting:

Technological nationalism promises a liberal state in which technology would be a neutral medium for the development of a *polis*. This vision of a nation is bankrupt, however, because it provides no substance or commonality for the polis except communication itself. As a consequence, technological nationalism’s (anglophone) Canada has no defense against the power and seduction of the American cultural industry or, indeed, of the technological experience. Canada, then, is the “absent nation.” (1986, pp. 198, 200–202, 209–211)

The articulation of technology as a part of Canada's national identity is further complicated by the intellectual traditions of Canadian thinkers like Harold Innis and Marshall McLuhan, who debate the merits of social developments with technology as the centre, contrasting "*technological humanism*" and "*technological dependency*" as opposing views on the capacity for technology to unleash creativity and potentials for economic growth (Kroker, 1984, p. 14):

What makes the discourse on technology such a central aspect of the Canadian imagination is that this discourse is situated *midway* between the future of the New World and the past of European culture, between the rapid unfolding of the "technological imperative" in American empire and the classical origins of the technological dynamo in European history. . . . This is to say that the Canadian mind is that of the *in-between*: a restless oscillation between the pragmatic will to live at all costs of the Americans and a searing lament for that which has been suppressed by the modern, technical order. . . . At work in the Canadian mind is, in fact, a great and dynamic polarity between technology and culture, between economy and landscape. (Kroker, 1984, pp. 7–8)

This "*in-between*" is captured in the thought of Harold Innis, what Arthur Kroker describes as "*technological realism*," addressing the "paradoxical tendencies to freedom and domination" inherent in technological development (1984, pp. 7, 15, 16).

Canadian nationalism is understood by many scholars to be paradoxical by design and function. While Gellner argues that nationalist ideology doesn't require racial homogeneity to persist (Gellner attributes racism more closely to 'conservative' rather than nationalist ideology), many scholars of Canadian nationalism have found the question of cultural heterogeneity a puzzling one (Gellner, 1983, pp. 133, 138, 140, 141). Regarding diversity and multiculturalism, Richard Day has argued that the discursive construction of diversity articulated by the Canadian state has shaped the practical environment in which differences can be negotiated:

The problem of the problem of diversity, then, is that the assumption of an objectively existing and problematic ethnocultural diversity covers over the work of differentiation itself. . . . The reality of Canadian diversity is symbiotically dependent upon this fantasy of unity - without it, a diversity simply could not exist, and certainly could not be a problem. The rhetoric of multiculturalism says that Canada is attempting to become, not a nation-state, but a self-consciously multinational state, in which all nations can seek their enjoyment in possession of a national Thing (Zizek 1991a: 165). This Thing is universal, it is every Thing. But, as everything it is also nothing at all. (2000, pp. 5, 9)

Gerald Kernerman makes a similar argument in describing “multicultural nationalism” as a movement that pursues unity amid irreconcilable differences, addressing an apparent incompatibility between equality and considerations for specific identities and social demographics:

The Canadian conversation can be seen as a process of normalization, with civilizing effects. Participants continually disagree over how the Canadian political community is defined, but the disagreement itself suggests that they are taking part in the same conversation. . . . The Canadian conversation operates on the ideological terrain of multi-cultural nationalism, a space that manages a wide range of liberal contradictions over justice, equality, and diversity. Multicultural nationalism funnels political contestation over these contradictions into polarizing forms of deliberation over the most appropriate relationship between the political community and its parts. The drive to guard against fragmentation, to ensure unity, amounts at a certain level to a defence of these liberal contradictions, but it cannot dream the antagonisms away. (2005, pp. 24, 26)

Despite the long history of this rhetoric and intellectual confoundment, the movements for recognition and support for Francophone Canadians and Indigenous peoples amid the legacies of Anglo-centric colonialism continue to be relevant (arguably more so) in the context of the fight against the language laws in Quebec and attacks against Indigenous sovereignty (Bell & Gunner, 2022). A “transformative politics,” according to Kernerman, seems like a potentially effective alternative against the ongoing and seemingly unproductive conversation around multicultural nationalism (2005, p. 27). Alternatively, Charles Taylor’s conceptualization of “deep diversity” argues for “asymmetrical patterns of belonging,” conceding to the need for special recognitions and rights of differing social groups (Kernerman, 2005, p. 40). Will Kymlicka instead argues that the issue of Canadian nationalism is a lack of a clear identity for English-speaking Canadians that can be co-existent with other nations (Kernerman, 2005, pp. 55, 59).

Within the debate around the cultivation of Canada as a distinct nation is the dispute of what constitutes Canadian *culture*, which has historically involved a rivalry between a perceived high-brow elitism embodied within Central Canada and the federal Liberal Party against Western Canadian populism embodied by the federal Conservative Party (Schnitzer, 2019, pp. 91–93). This dispute is famously represented by George Grant’s *Lament for a Nation*, in which Grant argues that the electoral defeat of Prime

Minister John Diefenbaker's Conservative government in favor of Pearson's Liberals showcased a demise of Canadian nationalism conceding to an economy and culture dependent on the United States (2005, pp. 6–7).

The “dependency theory” of Canada's cultural industries, for which Dallas Smythe's work is particularly influential, understands the Canadian cultural sector as surrendering to the reality of American content dominating the exhibition and broadcasting markets (Dorland, 1998, pp. 25–26). For Dallas Smythe, the mass media supports the activities of “Consciousness Industry”; its function is to create an audience and a demand for the products and efforts of monopoly capitalism (1981, p. 4). Smythe characterizes Canada as “the world's most dependent ‘developed’ country and the world's richest ‘underdeveloped’ country,” one that has never been an “autonomous country” due to its dependence on direct American investment (1981, pp. 91, 96). Smythe's solution is contingent on the “undervalue[d]” Canadian state (1981, p. xi), which has proven to be ineffective against the cultural imperialism of American content:

Most Canadian viewing is of United States-produced programs which reach Canadian viewers from Canadian over-the-air and cable systems and directly from United States terrestrial TV stations. And the efforts of CRTC to protect the Canadian stations and cable systems just described have been problematic enough. . . . As against this one-way flow of American Consciousness Industry audience production by all the mass media to Canada, the only available processes for the struggle for Canadian hegemony are those of the Canadian institutions of representative government in a formally autonomous nation. (1981, pp. 188–189)

Smythe's text echoes the sentiment shared by many cultural advocates, positioning economic pursuits as oppositional to the production of meaningful cultural texts, and that such meaning should be explored through nation-building efforts: “Canadian popular culture has been produced and marketed by businessmen more concerned with short-term profits than with nation-building. . . . Instead of taking a nation-building road, Canadian businessmen served as agents of cultural submission to the stronger southern neighbour” (Smythe, 1981, p. 98). This attention paid to the focus of geographic boundaries is addressed by the similar notions of platform and cultural imperialisms that scholars such as Sara Bannerman (2022) and Tanner Mirrlees (2019a) address. Regarding Canada's film and television production sector, Mirrlees complicates Smythe's dependency theory by suggesting that Canadian production activity is similarly imperialist:

The Canadian State oversees a formidable cultural policy and regulatory apparatus committed to assisting the Canadian TV sector's capitalist development, protecting this sector from a US takeover, and promoting its exports globally. In the early twenty-first century, Canada exists within the sphere of American cultural imperialism, but it also pushes beyond it. (2019a, p. 17)

Between different views of articulating difference amid a quest for unity, Foucauldian theory can illuminate the extent that the nationalist conversation leads towards a "multicultural panopticism," authorizing the state to determine which identities are recognized (Kernerman, 2005, p. 101). Beyond the state apparatus, there are various components that make up a film culture, and, as Andrew Higson addresses, it isn't clear which of those components are necessary to make a film culture 'national' (1989, pp. 36–37). Defining and executing "national cinema" from a production perspective risks being inherently colonial and ideological (Higson, 1989, pp. 37, 44). To counter this, Higson suggests conceiving an idea of 'national cinema' that's more contingent not just on what's produced within a nation's boundaries, but the domestic and foreign films that are consumed and shape internal and critical discourses (1989, pp. 44–46). Amid increasingly globalized cultural industries, Higson's proposal has been echoed by scholars like Acland (2002, p. 15) and Gasher (2002, pp. 7, 9, 11) to minimize the reliance on geographic boundaries to define film cultures, which remain only relevant to negotiations and disputes between governments and domestic economies.

3.2. Canadian Broadcasting and Cultural Industries

In "Continuity and Change in the Discourse of Canada's Cultural Industries," Zoë Druick outlines the key discourses surrounding Canada's cultural industries, including the dichotomy of low and high art, globalization, neoliberalism, U.S. dependency, and 'Canadian' as a stylistic descriptor/adjective (2012). These themes remain key to understanding the issues and concerns underlying both academic and parliamentary discussions around developing Canada's cultural industries, alongside analyses of the development of Canadian nationhood through cultural texts, an unresolved question that raises more questions than answers, considering Canada's multicultural arrangement and the historical conflicts between Anglo and French-Canadian nationalisms. Ryan Edwardson's *Canadian Content: Culture and the Quest for Nationhood* provides a comprehensive historical overview of the development of Canadian cultural and media policy throughout the twentieth century, outlining three distinct ideological eras that

defined Canadian cultural policies and the relationship between cultural texts and Canadian nationhood, including

the 'Masseyism' that saw support for the arts and cultured mass-media content as a means of negotiating the colony-to-nation transition amidst the upheavals of modernity experienced in the first half of the century; the 'new nationalism' that sought to empower multi-brow cultural outlets and employ quotas, subsidies, and ownership regulations in the struggle against imperialism (mid-1960s to mid- 1970s); and the 'cultural industrialism' advanced by Pierre Trudeau's Liberal government in 1968 (and continuing today under the leadership of the Department of Canadian Heritage), which radicalized the relationship between the state and culture for the sake of federalism. (2008, pp. 5–6)

Amid the challenges to Canadian federalism that Pierre Trudeau was vehemently fighting, discussions were held between the CRTC, the Government of Canada, and the Canadian Broadcasting Corporation (CBC) regarding Canada's telecommunications and broadcasting mandates (Raboy, 1990, pp. 248–249, 261). During these discussions, a nationalist mandate was repeatedly conflated with the 'public interest,' despite the CRTC's contrasting reports (Raboy, 1990, p. 252). In their book *Missed Opportunities*, Marc Raboy uses the term "administrative broadcasting" to describe Canada's state-centered approach to broadcasting regulations and practices, repeatedly conflating "cultural sovereignty" with the "public interest":

The emphasis on national considerations has only been maintained at the cost of subsuming the other major tensions in Canadian broadcasting: between public and private ownership, between different jurisdictional models, between different structural approaches. By persistently camouflaging these issues, the cultural sovereignty argument has prevented the extension of the public dimension of broadcasting in Canada. In fact, if one were inclined to see things this way, one could argue that the thwarting of the democratic potential of media in Canada in the name of a national interest actually serves American interests in the long run. (1990, pp. 11, 335, 339–340)

This thwarting has effectively created a gulf between the content broadcast by the CBC and its intended audience, argues Ian Taylor, who describes watching the political subjects portrayed on the CBC as an act of voyeurism (Raboy, 1990, p. 343). Furthermore, the CRTC is similarly described by Raboy as an organization that understands the 'public' as a body of consumers rather than engaged democratic citizens (1990, p. 13). Raboy's text ends on a call for a more participatory broadcasting model, one that emphasizes democratic citizen engagement and creates more distance

between broadcasting and the controls of markets and government (1990, pp. 355–357). This call for public participation is echoed by Ryan Edwardson, who argues that the current tendency towards “cultural industrialism” presents a host of paradoxes and limited opportunities for advancement in inquiries around developing a thriving domestic cultural audience:

If Canadians are to benefit from state activity within the cultural sector and not the other way around, then more needs to be done to allow the population to engage in discourse valued not for its monetary worth but simply based on the need to open systems of communication and expression. Out of such an approach would come a greater ability to debate issues of nationhood and, in some ways even more pressing, negotiate and adapt the social and political infrastructure to the changing needs of Canadians as individuals and as a society. Necessary steps include reversing the federal shift from public- to private-sector investment and guaranteeing that public-sector institutions can operate free from the need to attract advertising dollars or create content for export. (2008, pp. 277, 282–283)

Within contemporary cultural industrialism, the dominant issue remains that of balancing economic growth and opportunities while reinforcing measurable cultural objectives, all while staring down the influx of American content.

Paul Audley makes a similar, albeit more nuanced, argument in his study of Canada’s cultural industries; while Audley observes a substantial American presence in Canadian media consumption habits, he notes that Canadians will opt for domestic texts that serve as viable, well-funded alternatives to American media, using *Maclean’s* magazine as a notable example (1983, p. xxv). The nation-building/cultural industrialism debate is predicated on the assumption that Canadian cultural texts can’t compete with imported ones, and that global audiences won’t accept texts that are distinctly Canadian (Audley, 1983, p. xxx). Another assumption that Audley disputes is that Canadians aren’t interested in domestic content; on the contrary, polling data from 1979 and 1980 suggests there is an appetite for more domestic broadcasting, publishing, and film products, and that local media including radio programs and newspapers earn revenues comparable to American equivalents (1983, pp. xxvi–xxvii). Among multiple issues noted by Paul Audley in Canada’s film industry in 1983 is a lack of coordination between multiple public agencies that support the domestic film industry, including the CRTC, the National Film Board, the CBC, the CFDC (now Telefilm), and the Canada Council for the Arts (1983, p. 244).

The domestic appetite for Canadian content has shifted since Audley's study. Sierra Tinic observes a precarious position in Canada's population's inability to sustain an audience large enough to support high-quality television productions, justifying the need for international exports (2010, p. 112). According to the CRTC's *Harnessing Change* report, only twenty-six English-language Canadian programs were among the top one-hundred programs consumed in the Anglophone television market in Canada in 2015 (Canadian Radio-television and Telecommunications Commission, 2018, sec. Market Insights (Part 2)). The number of French-language programs in the top one-hundred programs consumed in the Francophone market was considerably higher at seventy-five (Canadian Radio-television and Telecommunications Commission, 2018, sec. Market Insights (Part 2)).

According to Ira Wagman, Netflix is complicating previous discourses around broadcasting policies, which have begun shifting from a nationalist discourse to a "*rights-based*" one, prompting the "Let's Talk TV" commission to recommend that cable and satellite television services offer a 'pick-and-pay' model to deliver channels to subscribers (2018, pp. 218–219). The alternative of Netflix, Wagman notes, offers not only producers but users a freedom from Canada's rigid and monopolistic telecommunications and broadcasting system (2018, p. 215). Canada's audiovisual media services industry is dominated largely by three national telecommunication and broadcasting conglomerates (Bell, Rogers, and Telus) faced with the increasing competition of global internet companies like Netflix, Google, Facebook, Apple, and Amazon, which accounted for almost a quarter of the sector's revenue in 2020 (*Rogers Takeover*, 2023; Winseck, 2021a, pp. iv, vii, 98–103). Dwayne Winseck has described the Canadian telecommunications system as the "worst of all possible worlds, as neither regulated monopoly, meaningful competition, or regulatory responsibility prevail" (1998, p. 257). This concentrated private broadcasting market has allowed American television content to prevail over English-language domestic programs. In the Canadian film industry, the persistent cultural industrialism presents a tension towards cultivating "both an independent Canadian cinema *and* a commercially successful one" (Austin-Smith, 2006, p. 238).

3.3. Canadian Film Policy

Though the *Online Streaming Act* implicates various concerned organizations, including social media users and content creators, the inclusion of film exhibition platforms such as Netflix in Canadian broadcasting legislation has profound implications for the Canadian film industry, as film exhibitors in Canada have not before been subjected to federal regulation of the kind applied to television and radio broadcasters by the CRTC. The history of Canada's domestic film industry is largely characterized by a series of administrative initiatives to complement or counter the importation of American films, many of which have been retrospectively derided. In 1939, the Government of Canada established the National Film Board of Canada (NFB), which produced and distributed mainly documentaries and educational films—and then eventually fictional films with influences from documentary techniques—to counter the dominant commercialism of Hollywood cinema (Edwardson, 2008, pp. 11, 53, 65; Magder, 1993, pp. 99–100). With a lack of prominent Canadian fictional feature films available, the Government of Canada established the Canadian Film Development Corporation (CFDC) in 1968 with a meagre investment of \$10 million to finance feature films (Edwardson, 2008, p. 19; Magder, 1993, p. 86). Without a theatrical exhibition quota, which the Association of Motion Picture Producers and Laboratories of Canada had been advocating for prior to the establishment of the CFDC, the films produced by the corporation generally had little success (Edwardson, 2008, pp. 107, 110–111). In 1976, the Government instated a 100% tax allowance as part of the Capital Cost Allowance (CCA) program for film productions in Canada, attracting American investors and resulting in an increase in film productions made in Canada (Pendakur, 1990, pp. 170–171). The program was deemed unsuccessful in creating big-budget Canadian films that served a cultural purpose; instead, much of the money spent on these productions went towards non-Canadian workers, and the films produced made few references to or representations of Canadian culture and were generally of cheap quality (Pendakur, 1990, pp. 174–175, 178–179, 185). Deemed unsuccessful, the tax credit was reduced to 30% in the late 1980s, and the CFDC was renamed to Telefilm in 1984 along with a changed mandate to provide funds to both film and television productions and to pursue international co-productions (Pendakur, 1990, pp. 186, 214).

Just as with Canadian broadcasting policy discourses, dependency theory plays a significant role in Canadian film policy scholarship. In *Canadian Dreams and American Control: The Political Economy of the Canadian Film Industry*, Manjunath Pendakur “argue[s] that the fundamental contradiction between the needs of capital and the needs of people . . . has determined the nature and course of Canada’s film industry” (1990, p. 30). Pendakur’s argument hinges on “Canada’s status as a dependent capitalist state”; as early as the early twentieth century, while prominent film exhibitors like the Holland Brothers were Canadian, the films they showed to Canadian audiences were predominantly foreign and/or American, while talented artists like Mary Pickford moved south to advance their careers (1990, pp. 32, 46, 48, 49). In the 1920s, the Famous Players Canadian Corporation, co-led by Adolph Zukor of Paramount Pictures, dominated (and nearly monopolized) the movie theatre industry in Canada, guaranteeing a reliable market for American movies (Pendakur, 1990, pp. 61, 64). Respecting the U.S. as a direct trading partner has defined Canadian economic policy since before the tenure of MacKenzie King, which is reflected in the federal government’s early unwillingness to address the Americanized state of the Canadian film industry (Pendakur, 1990, pp. 92–93).

It is interesting to see how Canadian ownership ignored its responsibility to create a genuinely Canadian film industry in the country. But such was the nature of national capital in Canadian film, television, radio, and other cultural industries. Canadian business, as it had done historically, was satisfied to be the middle agent between American producers and Canadian audiences in the interest of quick and guaranteed profits. It strongly believed that it owed nothing to Canadian talent or to Canadian people at large except for brokering American culture. (Pendakur, 1990, p. 117)

Pendakur’s argument is anchored by a nationalist sympathy for filmmakers who hope to cultivate an “indigenous cinema” and filmgoing culture (1990, p. 276). Film policy in Canada has historically focused on developing product instead of developing an audience, impeded by an apparent need to appease international and U.S. economic interests (Pendakur, 1990, pp. 32, 117, 155, 185, 197, 217, 221). Due in part to the lobbying efforts of the MPEAA and the American federal government, Canada’s film policies have often attempted to influence the content of films in a way that attracts foreign investment, whether it be to coerce Hollywood films to promote Canada as a worthy tourist attraction through the unsuccessful Canadian Cooperation Project in 1948, or to entice filmmakers to produce films cheaply in Canada through the Capital Cost

Allowance in the 1970s (Pendakur, 1990, pp. 136–141, 170, 217, 262). The unsatisfying results of these efforts, Pendakur argues, limits consumer choice in the Canadian film sector:

Audiences can only be formed for films that are effectively available to them. The free-choice argument is no more than the myth of consumer sovereignty which masks the demand created by film-distributing companies through massive advertising and promotion. Furthermore, the free-choice argument assumes free and open competition between American and Canadian film production and distribution companies for theatrical markets. (1990, p. 32)

In contrast, Ted Magder asserts that media imperialism and the dependency theory is, in reality, more complex than is presented by its adherents, acknowledging

. . . first, that the imperialist centre (the United States or others) is rarely omnipotent; second, that the dependent periphery is rarely powerless to offset the dynamics and effects of media imperialism; third, that specific actors within the periphery (including on occasion state officials) may indeed benefit from and facilitate the process of media imperialism; and fourth, that the effects of media imperialism are often unintended and unpredictable. (1993, p. 9)

Magder proposes that Canadian film policy ought to be understood not simply through the lens of media imperialism or cultural dependency, but also through contemporary “domestic social relations and political conflicts” (1993, p. 18). Despite this, Magder states “[i]t would be easy to conclude that, in terms of dramatic film and television production, Canadian cultural policy has failed to establish the conditions for shared cultural expression among Canadians, has failed to build a communicative space that reflects and articulates a dramatic sense of Canada as a nation” (1993, p. 233).

While the overarching problem faced by cultural legislators and scholars in cultivating a Canadian film industry is balancing economic concerns with cultural ones (C. H. Davis & Zboralska, 2019, p. 153; Edwardson, 2008, pp. 20–21), the Government of Canada’s approach to regulating film and television productions has been described by some scholars as “neoliberal” for its market-based approaches to supporting domestic productions (Bourcheix-Laporte, 2020; Gattinger & Saint-Pierre, 2010; Tinic, 2010). Generally, the development of Canada’s feature film industry is characterized as a failure by scholars and critics, albeit a nuanced one (Urquhart, 2012, p. 25). Despite government subsidies being a norm for film industries outside of Hollywood, Canada’s

film industry has historically been unjustly dependent on public funding through Telefilm, without an adequate screen quota to ensure Canadian movies are available to domestic audiences (Magder, 1993, pp. xi, 5, 150). Since Hollywood has a larger domestic market and is able to produce films with larger budgets, Canadian audiences are generally satisfied with watching American films, and have been since the first Canadian distributors began transporting American products across the country (Magder, 1993, pp. 232–234). However, defining Canada’s film industry as a failure depends on where one puts the goalposts, as well as whether the success of specific subdivisions within the industry is enough to satisfy certain cultural policy goals.

With Canada being used as a location for foreign productions, as well as the federal government’s co-production treaties with other countries, some scholars have expressed concerns that Canadian productions are made for global audiences rather than domestic ones and lack a uniquely ‘Canadian’ quality (Druick, 2016, pp. 84–85; Gasher, 2002, pp. 5–6; Magder, 1993, pp. 169, 187, 229; Pendakur, 1990, pp. 185, 197; Tepperman, 2017, p. 63; Tinic, 2005, p. ix; Urquhart, 2006, p. 47, 2012, pp. 21–22, 24–25). Lamenting the “[t]ax credit thinking” that’s permeated Canadian feature film policy for decades, Jennifer Vanderburgh highlights the negative long-term effect that it has on cultural conceptions of local cinema: “If a ‘social logic’ is not available to defend the current state of the film industry, and if the industry is not persuasively generating the economic return that is hoped for, then on what grounds can the claim be made that film is worth protecting?” (2016, pp. 139, 143–144). Furthermore, John Lester has argued that film production tax incentives for foreign productions in Canadian locations results in an economic loss for Canada, costing up to \$1.7 billion over a five-year period, and that provincial and federal governments should phase them out (2013, p. 468). Stephanie Leiser has shown that, in the United States, state tax incentives for film productions became a popular legislative “bandwagon,” despite the lack of demonstrated success affiliated with such measures, suggesting strong outside lobbying and a lack of administrative scrutiny (2017, pp. 263–264). According to Lauren Harris, the neoliberalization of national film distribution is not only problematic, but also counter to national interests (2018, p. 247). While addressing public film policies in Australia, Harris argues that effective public distribution and exhibition policies can help build an audience that’s receptive to a wider range of films (2018, p. 253), and can help artists and funders make more revenue to cover production costs:

Thinking about regulation and market support in terms of *incentivising* the local sectors rather than simply *curtailing* the foreign imports or safeguarding national cultural *production* can help us get around the walls put up by the FTA and its accompanying neoliberal ideology, and strike a balance between ‘soft’ subsidy approaches (via cultural support) and ‘tough’ economic-oriented subsidy (market oriented support). (2018, p. 247)

Michael Curtin makes a similar observation in the global context, noting that national film policies intended to boost production efforts through tax incentives and subsidies mostly incentivize large international corporations to exploit locations and creative labour (2016, pp. 676–677, 680–681).

In contrast to the negative assessments of commercial incentives for domestic filmmaking activity, scholars like Peter Urquhart argue that Canadian films need to be appreciated for what they are and what they excel at most, emphasizing that many successful Canadian films tend to be auteur-driven, utilize smaller budgets and attract acclaim at international film festivals (Urquhart, 2006, pp. 40, 50, 2012, pp. 26–27). In their policy recommendations for Telefilm in 1996, Finn et al. support increases to production budgets, emphasizes on films that are distinctly Canadian, and investments in international co-productions that fall within the drama and mystery categories as strategies to generate Canadian films that are both critically and commercially successful (1996, pp. 157–158). Charles Acland has brought into question what a Canadian film culture is and what its values include, arguing that too much attention is paid to the presence of Canadian films on theatre screens and not enough is paid to the international representation that Canadian filmgoers seek:

. . . policymakers and scholars alike have given scant attention to the entwinement of US and Canadian film cultures, especially where exhibition is concerned. Doing so reveals that, for Canadians, cinema-going is solidly a practice involving a sense of the new and the international. The crucial efforts to continue to support Canadian filmmaking and Canadian access to it must take this practice into consideration, and imagine other ways in which the health of our national cinema culture might be measured and assessed. (2002, p. 15)

While Manjunath Pendakur laments the lack of a culturally relevant film industry in Canada, Michael Dorland cautions against idealizing Canadian cinema, citing this as a significant issue in cultural policy scholarship (Dorland, 1998, p. 9). Ted Magder makes a

similar pitch at the end of *Canada's Hollywood* against an overly idealized nationalism that can obscure successful initiatives:

We have to stop the search for some romantic and overarching common cultural bond. Instead, we need public support for cultural production to explore the manifold and contradictory ways in which we exist as social beings in our every day lives. Against all odds, the best of Canadian cinema has done just that. We need more of it. And to get it, we need the support of public policies that are based on the principle that, when all is said and done, filmmaking is more than a business. (1993, p. 250)

In a similar vein, Peter Urquhart offers a more generous and optimistic analysis of federal film policy throughout the late twentieth century and into the twenty-first, asserting that the Canadian Film Development Corporation and its transformation into Telefilm led to the production of underappreciated and culturally relevant films and supported the careers of successful Canadian filmmakers like Guy Maddin and Atom Egoyan (2006, pp. 45–51). Localized film movements including the “Toronto New Wave” and the “Pacific New Wave” emerged in the 1980s and 1990s, partly due to increased public funding at the federal and provincial levels (Burgess, 2003; Longfellow, 2006, p. 178). The overlapping issue highlighted by Urquhart and Pendakur is that, without an adequate theatre screen quota, Canadians had limited—if any—access to Canadian movies in Canadian movie theatres, a problem that persists to this day (Pendakur, 1990, p. 29; Urquhart, 2006, p. 36). Nevertheless, Urquhart asserts that the argument that Canadian cinema is insufficient or lacklustre is more an attitude than an evidence-based assertion, as is recognized Telefilm’s “Success Index” published in 2012:

It has been the case for many years that Canada has produced films that have been seen (and perhaps even enjoyed) by hundreds of thousands more people than brute box-office figures suggested, chiefly on television, but also through other means. It has also been the case that Canadian films are regularly celebrated by the taste-makers of international festivals and awards. Canadian films are frequent recipients of Academy Award nominations (and even win some), and there is seldom a year where one or more are not successful at getting selected for prestigious festivals, including Cannes and Berlin. These things matter to the “success” of a film, even if its box-office performance is less than outstanding, because of the recognition they bring: recognition that Canadians make great films and that they make important contributions to culture at large and certainly to *Canadian* culture. Finally, the industrial measure is also a valuable addition to the discourse of success. Because of the very small domestic market, raising capital has always been a problem for Canadian film producers; knowing which films do generate private capital (and therefore entrepreneurial confidence in the likelihood of profit—or the likelihood that

lots of Canadians might actually see the film) provides a level of nuance to the measurement which would be absent otherwise. (2012, pp. 25–27)

The introduction of the Success Index was preceded by the *From Script to Screen* policy implemented by Telefilm in 2000, which, according to Charles Tepperman, failed to further cultivate Canadian film activity due to its unjustified emphasis on market success and box-office shares (2017, pp. 63–65, 73). Not only is Canada’s film industry forced to compete with Hollywood, but it *can’t* compete, and, therefore, must be met with different expectations. In 2006, following a new report from the Standing Committee on Canadian Heritage, the Government of Canada issued an update to the Canadian Feature Film Policy; of the document’s thirty recommendations, one called to diversify film performance measurements “in the many non-theatrical contexts where films may be watched” (*Enhancing the Canadian Feature Film Policy*, 2006, p. 8). Supporting a ‘Canadian’ film industry necessitates a careful consideration of what kind of film industry Canada can sustain and how its audience should be understood. Canada continues to support a strong film industry that largely provides locations and labour for international productions that take advantage of the country’s tax incentives (Chong, 2023; Jabakhanji, 2023).

3.4. Current Discussions in Cultural (Platform) Policy

Due to the recentness of the *Online Streaming Act’s* tabling, peer-reviewed research on the bill has been scarce. In March 2023, the *Canadian Journal of Communication* published an issue featuring two articles focusing on the act. In the first, Mariane Bourcheix-Laporte analyzes the text of the bill and its revisions, arguing “the legislative reform project recuperates the settler-colonial logic and economic approach that has historically underscored efforts to secure Canada’s cultural sovereignty” (2023, p. 97). In the second, Gord Dimitrieff argues for a shift in understanding the policy problem of the *Online Streaming Act* by reworking Dallas Smythe’s theory of the audience commodity through the economic theory of Henry George, concluding that “a technology-neutral conceptual basis for regulation can be identified by shifting the definition of ‘broadcasting’ away from one in which scarce-resources are the means of *transmission* to one in which scarce resources are the means of *reception*” (2023, p. 106). Dimitrieff notes that a communication undertaking without an audience can hardly be considered an act of ‘broadcasting,’ as the term implies a degree of curation,

therefore leaving the *Online Streaming Act* without a clear notion of what problem the bill intends to solve or how it will serve the public interest (2023, pp. 105, 118–119).

While scholarship on Canada’s approach to regulating and legislating online platforms is only just emerging, research on such activities in other countries is already underway. David Wright and Clive Gray write about how the Government of the United Kingdom’s newly renamed Department for Digital, Culture, Media, and Sport issued a report in 2016 titled *Culture is Digital*, emphasizing the importance of digital technology for economic growth within and beyond the cultural sector, as well as increasing accessibility for patrons and harnessing data to make activities within the private and public sectors more efficient (2022, pp. 799, 802, 804–806, 809). Wright and Gray also observe an encouragement within this state discourse to view creative digital technologies as not merely innovations in cultural practices, but also as experiments that could lead to future utilities (2022, pp. 809, 810). As Wright and Gray identify a “semantic shift” in how the DCMS discusses “cultural industries” as opposed to the arts, this parallels Mariane Bourcheix-Laporte’s analysis of the *Creative Canada Policy Framework*’s similar rhetoric, referring to this shift in policy discourse as a “neoliberal turn” (Bourcheix-Laporte, 2020; Wright & Gray, 2022, p. 801).

Chapter 4.

Data and Discussion I: The Polarized Politics of Government Intervention

The *Online Streaming Act* has emerged amid much academic and civic discourse concerned with defining online platforms and their affordances and costs to civil society and the cultural industries. The act addresses these discourses by updating a pre-existing law, itself mired in a conflicted politics concerned with both nationalist and economic pursuits. As online platforms have created opportunities for media companies and ordinary users to exchange content in a less stringent environment than that of linear broadcasting, the major debate that emerged among Canadian parliamentarians regarding the *Online Streaming Act* was whether the government should be intervening in online activities at all. Amid the eight rhetorical frames identified within the parliamentary debates surrounding the *Online Streaming Act*, the two most prominent frames are 'regulatory fairness' and 'government overreach,' particularly among industry organizations and CPC parliamentarians respectively (see Appendix). These frames offered unique and polarized positions on the role of the state in Canada's broadcasting and cultural sectors; the Liberal Government framed the *Online Streaming Act* as a piece of legislation necessary to attain fairness and intervene in a sector rattled with technological and industrial change, while Conservative parliamentarians largely framed the bill as exemplary of government mismanagement and as an affront to Canadians' freedom of expression. Concerned organizations were largely caught within these frames, as 'fairness' and 'overreach' are viewed differently between trade associations and commercial enterprises. Despite this polarization, the governmentality and policy apparatus of Canadian broadcasting remains intact through the *Online Streaming Act's* expansion of the CRTC's mandate.

4.1. 'Regulatory Fairness' Frame

The most prominent rhetorical frame evident in the selected documents is 'regulatory fairness,' asserting that the *Online Streaming Act* should aim to offer equitable opportunities for all film and broadcasting undertakings, whether they be domestic or foreign, commercial or independent, traditional or online, private or public, or

any combination of such. Ensuring this fairness was a major part of the framing of the legislation by the bill's overseeing ministers, Steven Guilbeault in 2020 and Pablo Rodriguez in 2022. While introducing Bill C-10 to the House of Commons in November 2020, Steven Guilbeault's speech included twelve iterations of the text string 'fair,' emphasizing the need to rebalance the regulation and revenue distribution within the Canadian cultural sector:

One system for our traditional broadcasters and a lack of [sic] for online broadcasters does not work. This outdated regulatory framework is unfair for our Canadian businesses; it threatens Canadian jobs. It undermines the ability of Canadians to tell and hear their own stories. . . . Asking online broadcasters to shoulder their fair share of the effort is not a luxury. It is a matter of fairness. . . . It is about everyone doing their fair share. . . . The purpose of the bill is to level the playing field and ensure funding for Canadian stories and Canadian talent. . . . If jobs and investment in the cultural sector are not what members believe in for the future of our country, they should support this bill for its much-needed equity and fairness. We need to re-establish the fact that everyone, including web giants, must contribute to our society. (Canada. House of Commons, 2020b, pp. 2061–2064)

Some opposition members questioned whether the *Online Streaming Act* went far enough in ensuring fairness. René Villemure of the Bloc Québécois (BQ) stated that the process of ensuring fairness will be evident through the bill's implementation rather than in the bill itself:

. . . the fair share is not what the web giants agree to pay. It is not that at all. They must pay their fair share of taxes. They must contribute their fair share to the production of Canadian content. They must pay their fair share in order to compensate content creators. That fair share is not an equal share. It is the amount that each one fairly owes. (Canada. House of Commons, 2022b, pp. 2329–2330)

Alexandre Boulerice of the New Democratic Party (NDP) gave a similar statement in response to the tabling of Bill C-11:

We are not talking about taxation in Bill C-11, but about a certain fairness in financial contributions to support our cultural sector. That is the link between the two. It is a small step, but a significant one for our artists, creators, and national, local or regional productions. It is becoming absolutely essential to be able to make this shift. It is high time that we did so. We are already lagging far behind. (Canada. House of Commons, 2022b, p. 2333)

Members of the Conservative Party of Canada (CPC) noted that ensuring this balance is important for the success of the bill; upon the tabling of Bill C-10, Alain Rayes (CPC) argued that the bill's lack of clarity meant that fairness wouldn't be guaranteed between online and traditional broadcasters:

First of all, there is nothing in the bill to force social media companies like Facebook and Google to pay their fair share. Furthermore, this bill does not address royalty sharing by these companies for content that is delivered via their digital platforms. The bill also does not explain how digital platforms like Netflix, Spotify, Crave and others will be treated fairly compared to conventional players. (Canada. House of Commons, 2020b, p. 2066)

While fairness is an overwhelmingly shared value among Members of Parliament, suggestions for achieving that fairness vary. In speeches from Alexandre Boulerice (NDP) and Paul Manly (Green Party, GP), tax fairness is highlighted as a specific problem needing amendment, as the major online platforms are criticized for not paying taxes in Canada. On December 10, 2020, Manly argued that web giants “should be paying not just the GST and HST on the advertising they sell in this market but corporate taxes on the income they generate from Canadians” (Canada. House of Commons, 2020c, p. 3304), while Boulerice emphasized the need for tax fairness in their speeches addressing Bill C-10 and Bill C-11:

This bill is a step in that direction. Unfortunately, the federal government, be it Conservative or Liberal, has not yet done anything to make these web giants pay tax in Canada. I can already hear the Minister of Canadian Heritage saying that it is not up to Canadian Heritage, it is up to Finance. He is right. I know that. . . . I invite the federal government—I urge it—to heed the demands of those on the left, of progressives and the NDP, among others, and tell these companies that enough is enough. Google, Apple, Facebook and their ilk need to pay tax. They make mind-boggling amounts of money. They are literally stealing our money, and the middle class, the workers, the people we represent in our ridings, are the ones who always end up bearing the tax burden. (Canada. House of Commons, 2022b, p. 2333)

In their respective speeches to the House introducing Bills C-10 and C-11, the term ‘tax’ wasn't used by either Steven Guilbeault or Pablo Rodriguez. Instead, both Ministers of Canadian Heritage focused more vaguely on the unfairness between the revenue generated by online platforms and the decline in support for Canadian content production: “The web giants are raking in billions of dollars from our content and our economy. Some of these companies are the most powerful in the world, and they

operate outside any regulatory framework” (Canada. House of Commons, 2020b, p. 2062).

Among industry organizations, ‘fairness’ is a similarly prominent rhetorical frame, albeit with different emphases. While parliamentarians paid much attention towards cultivating monetary fairness in the broadcasting sector, organizations emphasized a wider array of regulatory concerns. On the one hand, organizations like the Alliance des producteurs francophones du Canada (APFC) emphasized the “regulatory asymmetry” that benefits foreign online services, arguing that the *Online Streaming Act* “would put an end to that fundamental unfairness by requiring them to make an appropriate and equitable contribution to Canadian expression and to the overall objectives of the Canadian broadcasting policy” (2021, p. 1). On the other hand, Netflix asserted in their submission that they offer different services than traditional broadcasters, and that abiding by traditional regulations wouldn’t be possible for their business (2022, p. 8). In this case, not only does the regulatory environment need to ensure fairness between different undertakings, but it needs to acknowledge the unique differences between them. As the Internet Society Canada Chapter (ISCC)² stated, “Internet streaming services are simply not broadcasting. A level playing field between over-the-air broadcasters and online streaming services is illusory” (2022, p. 2). Nevertheless, as the Writers Guild of Canada (WGC) addresses, the need for regulatory rebalancing is evident, as new media disruption has led to significantly less revenue through licensing fees from conventional broadcasters:

As is now well-understood, the digital revolution has profoundly challenged 20th Century models of broadcasting regulation, and we are now at a tipping point, if not already beyond it. The emergence of the Internet generally, and large foreign streaming services specifically, has created new and immense competitive pressure on traditional Canadian broadcasters. The result has been, among other things, a precipitous, 75% decline in private, English-language broadcaster licence fees that contribute to financing Canadian programming, from \$456 million and 17% of financing in 2013-2014, to just \$116 million and 7% in 2020-2021. Meanwhile, the cost of producing world-class content remains high. At the

² The Internet Society Canada Chapter is part of a larger international non-profit organization and aims to “bring together thought leaders to develop positions on proposed Canadian legislation that affects the affordability, accessibility, fairness and security of the internet. We provide resources to educate our members and provide opportunities for all voices to be heard” (Internet Society, n.d.-a; Internet Society Canada Chapter, n.d.). Amazon, Google, Meta, LinkedIn, and Mozilla are among the many organization members of the Internet Society (Internet Society, n.d.-b).

same time, our own internal data shows that the hours of scripted production under the WGC's jurisdiction commissioned by the major private English-language broadcasters have fallen even more dramatically. The number of hours of new programming commissioned under the WGC's jurisdiction by the Bell, Corus, and Rogers broadcast groups dropped by over 68% from 2014 to 2021. (2022, p. 1)

Ensuring fairness in the cultural sector includes protecting intellectual property rights and ensuring that such rights are protected in negotiations with distributors, as noted by the Canadian Media Producers Association (CMPA):

There is a massive imbalance of bargaining power between the Canadian creators and producers of content and the companies that acquire it. Our domestic broadcasting sector is highly concentrated and, as a result, broadcasters have significant leverage in their dealings with producers. Foreign web giants like Netflix and Amazon also wield tremendous negotiating power, tipping the balance even further away from the creators and producers of Canadian content. The inequality of bargaining power translates into an intellectual property (IP) rights grab: the deals being negotiated between producers, on the one hand, and streamers and broadcasters, on the other, are unfair and threaten the future of Canada's content sector. (2021, p. 2)

Multiple organizations representing independent creators and broadcasters—including the Canadian Media Producers Association (2021, p. 2), the Canadian Association of Film Distributors and Exporters (CAFDE) (2022, p. 2), and the Directors Guild of Canada (DGC) (2021, pp. 7–8)—requested fairer negotiations between domestic producers and broadcasters, particularly to ensure that intellectual properties and the revenue they generate remain in Canada. Not only is this requested through a general increase in oversight, but also through “codes of practice,” “terms of trade” or “terms of distribution” (Canadian Media Producers Association, 2021, p. 2; Directors Guild of Canada, 2021, p. 7; Independent Broadcast Group, 2021, p. 7).

Online companies like YouTube, Netflix, and TikTok, made a contrasting argument by claiming that the definition of ‘Canadian content’ is too narrow for their purposes, which is part of a larger argument against a burdensome regulatory system. Netflix expressed concern that their original content produced in Canada can't be considered officially ‘Canadian’ since Netflix isn't a Canadian company (2022, pp. 1, 4). The International Alliance of Theatrical Stage Employees (IATSE) and the ISCC (2022, p. 7) also shared this concern as it means that Canadian creatives working on Netflix productions aren't properly recognized:

We need a fair system to determine which productions should be considered Canadian. Many countries have point systems. But the Canadian 10-point system isn't only flawed, it's exclusionary. The voices of the majority of Canadian film industry workers are not being heard, and they certainly aren't being factored in. Under the current system, these Canadian voices simply don't count. (The International Alliance of Theatrical Stage Employees, 2022)

This concern was echoed in the House of Commons by CPC parliamentarians Alain Reyes and John Nater: while Nater emphasized the uncertainty of the CanCon requirements mandated by the CRTC in 2022 (Canada. House of Commons, 2022b, p. 2327), Reyes gave voice to Netflix's concern in 2020:

Netflix also told us about a problem it has that is not addressed in the bill. Netflix is still not able to fund or produce Canadian content. . . . Netflix's library includes the Quebec feature film *The Decline*, which many here are familiar with. It was filmed in Sainte-Agathes-des-Monts, was viewed 21 million times in the first four weeks following its released, and generated \$5.3 million in investments in Quebec alone. It met six key creative requirements of the Canadian Audio-Visual Certification Office. However, the film could not be certified as Canadian content because it was financed and produced exclusively by Netflix. . . . Bill C-10 offers no solution to this conundrum. (Canada. House of Commons, 2020b, p. 2066)

YouTube similarly argued that imposing a Canadian content quota on YouTube would hinder its business model and would create a disadvantage for smaller creators who lack the experience to seek out content certification (2022, p. 5). Financial burdens were also highlighted: in their written submission, BCE Inc. noted the \$100 million generated in the Canadian broadcasting sector from Part II licensing fees, decrying the tax burden that is imposed on traditional broadcasters (2021, p. 4). John Nater (CPC) echoed this concern in 2022 (Canada. House of Commons, 2022b, p. 2326).

As an effort to "level the playing field" (Canada. House of Commons, 2020b, p. 2063), parliamentarians and organizations expressed varied opinions on what that levelling necessarily entails to update domestic broadcasting regulation. Some of these requests and concerns are contradictory: can regulatory fees be reduced while increasing revenue generated for government supports for Canadian productions? Can the definition of 'Canadian content' be made more flexible for foreign companies while ensuring that Intellectual Property revenues remain in Canada? As a rhetorical frame, 'fairness' is used to define and understand an array of issues faced by organizations amid the technological evolution of Canada's film and broadcasting sector and how the

Government of Canada can best intervene. The need for this frame, as the WGC points out (2022, p. 5), is the inclusion of foreign-owned platforms into Canada's broadcasting system, which is otherwise owned and controlled by Canadians. In this event, it's understandable that the Government of Canada would position itself as an arbiter of 'fairness' in domestic cultural activities rather than a more active participant now that audiences have full control over their choice of the content they wish to consume.

4.2. 'Government Overreach' Frame

Some organizations utilized a rhetorical frame that could be identified as 'government overreach,' expressing concern that the *Online Streaming Act* could lead to inappropriate state intervention in the broadcasting market, and that the government's efforts are misguided and mismanaged. Amid this frame, the concern of protecting free speech emerged, and became a prominent criticism of the *Online Streaming Act* made by members of the CPC, including Rachael Thomas:

The best way to promote Canadian culture is through the protection of free speech. Giving Canadians the freedom to create, express their views, and speak freely is what supports the proliferation of our rich Canadian culture. Our culture is held within the Canadian people, all of them. However, the government has grown far too comfortable with taking control. (Canada. House of Commons, 2022d, p. 6890)

Meanwhile, members of the LPC and NDP defended the bill against this accusation and reiterated that freedom of expression remained an important value protected within the bill. As Tim Louis of the LPC stated, "Freedom of expression is protected under the charter and would be protected in the online streaming act. Artists are at the forefront of protecting freedom of speech. It is our arts that allow us to push these conversations" (Canada. House of Commons, 2022d, p. 6919). Additionally, Paul Manly of the GP argued that freedom of expression is violated not by the bill, but by the platforms themselves:

The real concern about censorship is these large corporations. On May 5, red dress day, the National Day of Awareness for Missing and Murdered Indigenous Women and Girls, family, friends and loved ones were posting about their missing loved ones. Thousands of those posts disappeared. (Canada. House of Commons, 2021, p. 8928)

Kerry Diotte of the CPC made a similar observation, noting that social media companies were censoring posts containing heterodox opinions on COVID-19 pandemic policies (Canada. House of Commons, 2021, p. 8922).

Much of the debate around free speech and the *Online Streaming Act* hinged on whether user content was exempt from the bill, and, if so, whether the language exempting user content was adequate. Members of the LPC and NDP defended the bill and its language for ensuring that user content wouldn't be regulated, but that the platforms hosting it would be, as put bluntly by Pablo Rodriguez (LPC) when introducing the bill:

Once again, I want to be extremely clear. This law will never control what Canadians can or cannot see online. We will always be able to choose what we listen to and what we watch. Users are not broadcasters. The content will not be regulated and an individual online creators' content will not be regulated. Again, the principle is simple: Platforms are in; users are out. (Canada. House of Commons, 2022b, p. 2321)

The CPC, however, asserted repeatedly that this promise rang shallow, and that even the CRTC has argued otherwise, as John Nater (CPC) argued:

In Bill C-11, the government has reintroduced an exclusion on user-generated content on social media and it is known as proposed section 4.1 of Bill C-11. However, in what can only be considered the ultimate in bureaucratic language, the Liberals added an exclusion to the exclusion as proposed section 4.2. This exclusion to the exclusion is so broad that the government, through the CRTC, could once again regulate wide swathes of content uploaded to social media. (Canada. House of Commons, 2022b, p. 2326)

This played into the overall concern of whether the *Online Streaming Act* gives the CRTC too much authority and power over online undertakings in Canada. While members of the CPC echoed Alain Rayes' (CPC) concern that the bill gives the CRTC "vast powers . . . that should be in the hands of legislators so they can make important decisions," (Canada. House of Commons, 2020b, p. 2067), members of the BQ and GP expressed uncertainty while addressing the complexity of granting regulatory power. As Martin Champoux (BQ) stated:

The Broadcasting Act must set much clearer and more precise parameters for the CRTC without necessarily taking away its flexibility within those parameters. That is the distinction to make. We are not talking about interfering; we are simply talking about expressing expectations clearly so

they are easy to understand. (Canada. House of Commons, 2020b, p. 2072)

In another instance, René Villemure (BQ) suggested that the government consider developing another independent agency tasked with carrying out internet regulation rather than grant those powers to the CRTC (Canada. House of Commons, 2022b, p. 2329).

The parties defending the bill and its revisions took care to emphasize the explicit exemptions identified in the bill and its intent to exclusively regulate commercial undertakings. In the introductory speech for Bill C-10, Steven Guilbeault stated that

User-generated content will not be regulated, news content will not be regulated and video games will be excluded. Furthermore, only broadcasters that have a significant impact in Canada will be subject to the legislation. In practice this means that only known names and brands will be subject to this legislation. . . . Furthermore, entities would need to reach a significant economic threshold before any regulation could be imposed. This keeps the nature of the Internet as it is. It simply asks companies that generate large revenues in Canada to contribute in a fair manner. (Canada. House of Commons, 2020b, pp. 2062–2063)

In a later speech debating Bill C-11, Alexandre Boulerice (NDP) reiterated that “The purpose of the bill is to make individuals and companies that use social media for business purposes and generate a significant amount of revenue contribute” (Canada. House of Commons, 2022b, p. 2334). While expressing support for the bill, Elizabeth May (GP) argued for making the distinction between “curated” platforms and those where users are free to upload their own content (Canada. House of Commons, 2022e, p. 7016).

Beyond the bill itself, attention was paid by the opposition parties to the handling of the bill by the Liberal government. Early criticism of the bill focused on whether it amounted to an adequate update to Canadian broadcasting regulation. All opposition parties highlighted policy objectives that were unaddressed or sections of the bill that were insufficient, including in a speech from Alexandre Boulerice (NDP):

Some of my Conservative and Bloc colleagues have demonstrated that they want to enhance and improve the bill by minimizing the flaws while retaining a certain flexibility and openness for the future. . . . The major things that are missing are social media, YouTube, Facebook's and Google's ad revenue, and Internet service providers. There are a lot of things missing. I am very much looking forward to the committee studying

this bill and fixing all those problems. . . . On a more technical note, there is some uncertainty because we are moving from a licensing system to an order system. (Canada. House of Commons, 2020b, pp. 2074, 2075)

In another example, Alain Rayes (CPC) criticized the first iteration of Bill C-10 to be insufficient:

There is also nothing about modernizing the Copyright Act, even though many parties asked for it. . . . As the minister often points out in his speeches, there are other issues, such as hate speech on social networks and discrimination, that need to be regulated. We were surprised that these topics were not even touched on. That will come in an upcoming bill. . . . There are some urgent problems that could have been solved easily. These organizations are starving, and they were expecting these problems to be solved. Artists, writers and performers were expecting something more satisfying, but they too will have to go hungry. (Canada. House of Commons, 2020b, pp. 2066, 2068)

One major theme that came out of this criticism was the length of time between the proposed legislation and the previous change of the Broadcasting Act in 1991, as well as the time the Liberal government took to table Bill C-10 following the party's victory in 2015, as Martin Champoux (BQ) articulated upon the initial tabling of Bill C-10:

The Liberal government has been working on this bill for five years. We have gone through five years, three ministers, a media crisis, a cultural industry in jeopardy, a Yale report and, just to take things to another level, a pandemic that has finished off many players in this industry that we all enjoy. (Canada. House of Commons, 2020b, p. 2070)

This process added urgency to the matter at hand, as Alexandre Boulerice (NDP) stated: “The last version of the Broadcasting Act was enacted in 1991. . . . If this act is only reviewed every 33 years, it becomes even more important that we do a good job now, since we do not know when we will have the chance to make any changes” (Canada. House of Commons, 2022b, p. 2333).

Furthermore, opposition members—especially from the CPC—questioned whether the Liberal government and its motives were trustworthy due to the handling of the bill, particularly addressing unclear communication from relevant actors. While Alexandre Boulerice (NDP) commented on the uncertainty expressed by the department of Canadian Heritage in at least two separate speeches (Canada. House of Commons, 2021, pp. 8925–8926, 2022b, p. 2334), members of the CPC were vocal of their distrust in the handling of the bill, as was exemplified by Rachael Thomas:

I would be remiss if I did not mention the travesty that took place this past Tuesday. While most Canadians were sleeping, the members of the Standing Committee on Canadian Heritage met and were forced to vote on amendments without them being read into the public record, which simply means that numbers were given and members were asked to vote. The public was unsure of what we were voting on and what it meant for them. There was zero transparency. There was no debate, no discussion and no questions. “Just shut up and vote” was the message given. The process was cloaked in secrecy and was an inexcusable assault on democracy. (Canada. House of Commons, 2022d, p. 6889)

Concerns that the bill gives the CRTC too much leverage were expressed by Motion Picture Association-Canada (MPA-Canada) (2022, p. 4), YouTube (2022, pp. 2–3, 7), TikTok Canada (2022, p. 4), and ISCC, noting that giving the CRTC too much power could force platforms to implement unsuitable requests: the ISCC described the legislation’s approach as one “that fails to differentiate between a podcast produced in a residential basement and a major release motion picture featured on Netflix” (2022, pp. 1–2). In addition, while the Intellectual Property Institute of Canada (IPIC)³ warned that the powers granted to the CRTC may give it undue authority over the *Copyright Act* (2021, pp. 2–5), BCE Inc. requested that the ability for the CRTC to impose orders and conditions on specific services be removed from the act (2021, p. 6).

Instead, organizations expressed support for proposals to ensure consumer choice is promoted in the broadcasting sector, and that user content be protected and exempted from regulation. TikTok Canada (2022, pp. 2–4) and YouTube (2022, p. 3) both took issue with how the use of commercial music in user content may be implicated in the *Online Streaming Act*, which could add significant strains to their platforms. Similarly, the ISCC noted that state intervention on social media platforms could stifle the dynamism of the sector, and that user-generated content outside of major platforms could also be implicated by the act (2022, pp. 5–6). Meanwhile, the Association

³ According to their website, IPIC was founded in 1926 and “is the professional association of patent agents, trademark agents and lawyers practicing in all areas of intellectual property law. Our membership totals over 1700 individuals, consisting of practitioners in law firms and agencies of all sizes, sole practitioners, in-house corporate intellectual property professionals, government personnel, and academics. Our members’ clients include virtually all Canadian businesses, universities and other institutions that have an interest in intellectual property (e.g., patents, trademarks, copyrights, and industrial designs) in Canada or elsewhere, as well as foreign companies that hold intellectual property rights in Canada.” (Intellectual Property Institute of Canada, n.d.-a, n.d.-c, p. 5). The organization’s total income received in the 2021-2022 fiscal year was \$1,528,863, 42% of which came from membership costs (Intellectual Property Institute of Canada, 2022, p. 13). Members come from organizations including BCE Inc., Rogers Communications Inc., and CBC/Radio-Canada (Intellectual Property Institute of Canada, n.d.-b).

québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ) (2022, p. 5) and the Coalition for the Diversity of Cultural Expressions (CDCE) (2022, p. 6) both expressed satisfaction with how the exemption of user-generated content is phrased and how it's distinguished from regulations that apply to platforms, while the Alliance of Canadian Cinema, Television, and Radio Artists (ACTRA) argued that the exemption could be broadened (2022, pp. 3, 7).

Among the organizations sampled, a divide on the topic of consumer choice is evident: representatives of major commercial studios and platforms like MPA-Canada (2022, pp. 2–3, 7), Netflix (2022, p. 2), and YouTube (2022, pp. 3–4) promoted the need for Canadian audiences to have access to international content, allowing personalized algorithms to recommend sufficient content while allowing Canadian creators to access audiences abroad. Meanwhile, Canadian associations such as the DGC, ACTRA (2022, p. 2), the CAFDE (2022, p. 1), and ADISQ (2022, p. 6) supported the notion that investments in producing and showcasing Canadian content will improve consumers' ability to choose domestic content:

Large platforms only serve to the audience what they already know. By supporting Canadian content, Bill C-11 will provide Canadians with more content choices and diversity. There is currently little awareness of Canadian film and the market won't solve this issue. While the creative sector recommends that public policy help “push Canadian content” to audiences, large content distribution platforms such as YouTube and TikTok say that their strategy is the opposite: it's a “pull” strategy where the audience chooses and pulls the content. DGC's view is that both can and should coexist. (Directors Guild of Canada, 2022, p. 10)

As is similarly evident in the ‘regulatory fairness’ frame, major commercial undertakings are more hesitant towards the notion of increased public intervention in the Canadian cultural industries than smaller organizations and trade associations. However, what's clear is the concern that government intervention without a sufficient understanding of the affordances and functions of new media technology could have harmful consequences on users and the services that platforms offer.

4.3. Discussion

The polarized politics of ‘regulatory fairness’ and ‘government overreach’ responds to the fundamental change that's happened in the Canadian media system, as

has been acknowledged by the Writers Guild of Canada: while the traditional broadcasting system can be described as “closed,” as licensed broadcasters are required to be Canadian-owned, the *Online Streaming Act* acknowledges international platforms as broadcasters for the purposes of Canadian legislation, opening an otherwise ‘walled garden’ (Writers Guild of Canada, 2022, p. 5). In this newly opened system, Canadian creators are further encouraged to not only create content for domestic audiences, but to also seek attention and recognition from audiences abroad, as did successful programs like *Orphan Black* and *Schitt’s Creek* (Golick & Speer, 2019, p. 17). As is explored in earlier literature on Canadian film policy, this encouragement isn’t new, but international streaming platforms undoubtedly offer new opportunities for exportability for all types of content creators (Taurino, 2020, p. 303).

The debate between ‘regulatory fairness’ and ‘government overreach’ draws attention to online platforms as an issue pertaining to the rights of individual users and creators (Wagman, 2018, p. 219). Despite focusing on users’ freedom of expression, the emphasis on ‘government overreach’—as noted by Paul Manly (GP) and Kerry Diotte (CPC)—largely sidelines the question of whether social media platforms currently enable free and open discourse without censorship or algorithmic manipulation (Bucher, 2020). Likewise, the emphasis on ‘fairness’ neglects critical discussions around whether a broadcasting system opened to this extent can be controlled through the CRTC, or whether the CRTC has successfully achieved such ‘fairness’ in the broadcasting sector previously—a notion that many scholars have been keen to complicate (Armstrong, 2016, p. 256; Raboy, 1990; Tinic, 2010; Winseck, 1998, 2021a). The polarization between these two frames signals a dispute in simplifying and framing the problem of platforms by identifying a singular ‘victim’ of state (in)action, whether it be Canadian content creators or ordinary social media users. This simplification is compounded by the actively vague language in the *Act* itself, leaving much of the regulatory specifics up to the CRTC to determine. This doesn’t so much address organizations’ concerns as much as provide a roadmap for continuing the work of government and maintaining the current regulatory apparatus (Dowler, 1996). As tech companies like Meta are threatening to block Canadian news from online platforms due to the fallout of the recently passed *Online News Act*, it’s reasonable to assume that the CRTC may face similar issues in trying to impose ‘fairness’ in the broadcasting sector (Major, 2023).

Given the organizations' input, it seems unlikely that platform regulation can satisfy all organizations equally, as the convergent and wicked problem of online platform regulation isn't adequately addressed. As per David Beer's terminology, Canadian content creators and ordinary online consumers aren't binary identities; many—if not most—occupy the role of 'prosumers' (2014, p. 51). Framing the *Online Streaming Act* as issues of 'fairness' and 'freedom' oversimplifies the reality of online use; excluding ordinary social media use ignores the cultural relevance and potential virality of ordinary social media uploads, as well as the indirect regulatory consequences that could be had on ordinary users of platforms that also host professional and commercial content. Much of the scholarship on theories of 'freedom of speech' demonstrate this circumstance. In discussing the application of relational thinking in communication law, Sara Bannerman states that "[f]reedom of expression is the area of communication law that has been perhaps the most fully explored with relational thinking," and that such thinking needs to situate free speech within the broadest possible context instead of situating it as an individual right (2022, pp. 11–12). In the Canadian Charter of Rights and Freedoms, section 2(b), "freedom of thought, belief, opinion and expression" is balanced with Section 1's "reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" (*Canadian Charter of Rights and Freedoms*, 1982; Fish, 1994, pp. 104–105). In his essay "There's No Such Thing as Free Speech," Stanley Fish argues that "free-speech principles don't exist except as a component in a bad argument in which such principles are invoked to mask motives that would not withstand close scrutiny" (1994, pp. 111–112). What are misrepresented as free expressions and free subjects, Fish argues, are merely political maneuverings and political subjects (1994, pp. 110–111).

In the famous essay "Two Concepts of Liberty," Isaiah Berlin contrasts "*negative freedom*" as "non-interference" with "*positive freedom*" as "self-mastery," going to great lengths to explore different argumentative threads in which these two notions of freedom overlap and diverge (2002, pp. 169–170, 178–179). Late in the essay, Berlin compares group solidarity and union with the ills associated with majority opinion, and argues that any defense for a specific limitation of freedom for the future greater good can lead to dogmatism (2002, pp. 204–209, 212–214). Berlin concludes that social pluralism is a more ideal goal than some sort of absolute liberty, given its varied interpretations (2002, pp. 215, 216):

[Pluralism] is truer, because it does, at least, recognise the fact that human goals are many, not all of them commensurable, and in perpetual rivalry with one another. To assume that all values can be graded on one scale, so that it is a mere matter of inspection to determine the highest, seems to me to falsify our knowledge that men are free agents, to represent moral decision as an operation which a slide-rule could, in principle, perform. (2002, p. 216)

In *Feminism and the Abyss of Freedom*, Linda Zerilli similarly advocates for a pluralistic sociopolitical environment, drawing on the work of Hannah Arendt, but places emphasis on the potential for active change to occur in such an environment between relations and separations of people, where freedom can be understood “as a world-building practice based on plurality and nonsovereignty” (2005, pp. 20, 19–24). Zerilli positions this understanding of freedom against reductively instrumentalist and utilitarian ones (2005, pp. 3–6, 8–10, 12–14, 22–25). By further referencing Foucault, Zerilli (2005) argues that freedom is to be understood as a “practice” within a “plurality of other people in a public space created by action,” rather than a “property of the subject” (2005, pp. 11, 15–16, 19). This leads to an understanding of politics as existing in an “in-between space,” or “common world,” emergent whenever an ideological clash is apparent (Zerilli, 2005, pp. 19–20, 23).

What all three theorists argue is that it’s best not to dwell on freedom as a vague and absolute goal that’s exercised by individuals, as it’s instead more likely to act as an “apolitical abstraction” (Fish, 1994, p. 115). While Stanley Fish acknowledges that any institution can have its own rules that are either challenged or protected through speech (1994, pp. 106–107, 111), Berlin, Bannerman, and Zerilli advocate for a pluralistic or relational understanding of speech. Valuing freedom, then, must entail a continuous clash of different values (Zerilli, 2005, pp. 22–23). This continuous clash is similarly observable in discourses around multiculturalism, as ‘nation’ and ‘freedom’ present vacuous concepts through which to justify specific policy approaches, as is evident in discussions around cultural sovereignty.

But if the concern of censorship or control by platforms themselves is equal to the concern of censorship enacted by the state, what does it mean to protect freedom of expression online when algorithms are deployed to promote some voices over others (Bucher, 2016)? While Conservatives’ rhetoric around infringing Canadians’ freedom is perhaps misdirected and oversimplified, it opens a genuine sphere of inquiry into what

could be otherwise identified as a wicked problem. Freedom of expression, perhaps, is too abstract a value to holistically protect, and may continually be used to open a rhetorical space for criticism and action, akin to Linda Zerilli's theorization of the concept (2005). Or, more cynically, it may be used as a political weapon, akin to Stanley Fish's understanding of the term (1994).

The politics of 'fairness' and 'overreach' in the context of Canadian broadcasting signals a political shift emphasizing the role of the state as a referee between various actors within a much larger convergent media environment. As Ben Schnitzer has chronicled, the LPC and CPC (formerly known as the Progressive Conservative Party of Canada) have long been divided on notions of national arts fundings and consumer choice, but in an opened media system, consumers are no longer just consumers (Beer, 2014; Schnitzer, 2019). With this, the tension between nationalism and neoliberalism at the centre of broadcasting regulation persists.

Chapter 5.

Data and Discussion II: The Persistent Tension of Broadcasting Politics

Alongside the polarizing frames of ‘fairness’ and ‘government overreach’ present in the parliamentary debates surrounding the *Online Streaming Act*, certain argumentative frames resurfaced from previous discussions on the topic of Canadian broadcasting regulation, namely the frames of ‘economic growth,’ ‘cultural sovereignty,’ and ‘diversity.’ Defenses for broadcasting regulation involving protections for Canada’s cultural sovereignty and jobs in its cultural industries have long been present in these discussions, often at the expense of considering the needs of the public in favour of administrative targets (Raboy, 1990, pp. 11, 339–340).

5.1. ‘Economic Growth’ Frame

Among parliamentarians, the importance of requiring greater investment in the Canadian cultural sector from online platforms saw agreement between the major political parties, as well as the need to provide more support for Canadian creators, in what can be identified as the ‘economic growth’ frame. Upon introducing Bill C-10, Steven Guilbeault (LPC) stated that “implementing the new Canadian audiovisual regime under the act will generate almost \$1 billion in foreign investment per year in our films, television and music” (Canada. House of Commons, 2020b, p. 2061). While Andréanne Larouche (BQ) later acknowledged that the intent of Bill C-11 is “to apply the Broadcasting Act to the web giants by forcing them to contribute financially to the creation and discovery of Canadian cultural content” (Canada. House of Commons, 2022d, p. 6894), Pablo Rodriguez’s (LPC) opening speech to introduce the bill suggested that large online platforms ought to be recognized for the investment they already make:

Companies like Netflix, Amazon and Disney, to name a few, are already investing in the Canadian economy, which is great. We all benefit from that. Some of their content is really entertaining. This means money for and significant investments in our country. We are very pleased that they continue to invest here and pursue their projects in Canada. . . . There is another reason why they are investing in Canada. It is because we have

incredible talent here, including directors, actors and technicians. We have amazing talent, by any measure, so it makes good business sense to come and invest in Canada. (Canada. House of Commons, 2022b, p. 2320)

In earlier speeches addressing Bill C-10, Martin Champoux (BQ) and Paul Manly (GP) called for a more stringent threshold for ensuring that major platforms reinvest adequately into the Canadian broadcasting sector: Champoux stated that

Another element that is missing from the bill is thresholds for investment in Canadian and French-language content. If the government does not give the CRTC parameters for specific expectations regarding contributions to content production, the CRTC will end up having to negotiate with companies or groups of companies. Given the weight that giants like Netflix can bring to bear on such negotiations, we can expect to see agreements that benefit some companies disproportionately at the expense of Canadian companies like Bell, Videotron and the rest, which currently have to invest 30% of their revenue in Canadian production. (Canada. House of Commons, 2020b, p. 2071)

Additionally, various members articulated the need to protect and improve job opportunities in the sector, as Alexandre Boulerice (NDP) stated in February 2022:

The NDP supports [Bill C-11] in principle, just as it supported the old Bill C-10. We want to work with our cultural sector, not just because we like culture or because it is what defines us as humans, but also because it is an important economic sector with tens of thousands of jobs. Those jobs in turn support cities, towns and regions. Lots of those jobs are in Quebec, in Montreal, and, I am proud to say, in my riding, Rosemont—La Petite-Patrie, where I am fortunate to represent a very visible, active and creative artistic community that I am very proud of. (Canada. House of Commons, 2022b, p. 2334)

John Nater (CPC), however, expressed concern that the uncertainty around the exclusion of user-generated content could impact digital creators on online platforms, who depend on the current business models to generate revenue for their creations (Canada. House of Commons, 2022b, pp. 2324–2327). Nater also spoke about the need for reinvestment from major platforms, as well as the need for “an economic environment that allows [creators] to be fairly compensated for their work as they tell our stories, whether through music, prose, movies, television or, increasingly, online content” (Canada. House of Commons, 2022b, p. 2324).

Beyond protecting jobs and incomes, supporting the arts sectors is also linked with protecting cultural sovereignty, as is demonstrated in a statement made by Denis Trudel (BQ) with regards to protecting Quebec’s cultural history and identity:

If we allow our media to plunge into even more hardship, if we neglect to support our creators and our platforms, all these great Quebec sayings will gradually get erased, and all these cultural touchpoints that still bring us together today will become foreign to a whole new generation, including my children's generation. This will sever the bond that ties us to our history and to everything that makes us who we are today. (Canada. House of Commons, 2022b, p. 2332)

In this context, parliamentarians are drawing a direct link between economic and fiscal success with cultural objectives; supporting the fiscal sustainability of the cultural industries is an act of support for Canadian artists, and vice versa. As Tim Louis (LPC) stated,

It was the stories, the books, the shows and the music that got us through the pandemic. I have said on more than one occasion that science is getting us out of the pandemic, but arts is getting us through it. We need to support our arts sector. It is one of the hardest-hit sectors in all of the economy and is taking the longest to recover as we move out of the pandemic. That is another reason this bill is so important. We need to show our artists that we support them. (Canada. House of Commons, 2022d, p. 6919)

While parliamentarians across parties believe that online platforms need to contribute fairly and adequately into the domestic cultural sector, it's simultaneously recognized that these platforms play a substantial and significant role in it, and that successful digital creations are disseminated on them: as Alexandre Boulerice (NDP) stated, "We want our television, film and musical artists to have the chance to pursue their activities and be properly paid for the work they do, especially musicians on YouTube, and we want them to continue to tell our stories" (Canada. House of Commons, 2021, p. 8926).

According to the DGC, "[f]ilm and television production is a growing and profitable industry that represents today more than 180,900 full time equivalent jobs across the country" (2021, p. 3). While organizations like Motion Picture Association-Canada (MPA-Canada) (2022, pp. 2–7), YouTube (2022, pp. 1–2, 5, 9), Netflix (2022, pp. 2–8), IATSE (2022) and the Canadian Association of Broadcasters (CAB) (2022) emphasized the contributions that they make to supporting and creating jobs within Canada's thriving cultural industries, organizations such as CMPA (2022, pp. 1, 4, 5, 7), the CAFDE (2022, pp. 1–2), and the DGC (2021, p. 3) emphasized the need for more investment in domestic productions and jobs that aren't solely foreign-funded. On

Screen Manitoba articulated this effectively in their submission to the Standing Committee, stating that independent Canadian creators and producers

. . . are best positioned to reflect and express the creative and cultural vitality of Canada. They also bring additional financial resources through local private and public production incentives and investments. Through these creative and economic contributions, they enhance the quality and the diversity of Canadian programming. (2021, p. 4)

This is concurred by the DGC, who highlight that independent productions are viewed as less economically viable by larger platforms (2022, p. 10). In addition to calls for support for Canadian productions, the CAFDE went further in suggesting that Canadian distributors should also be prioritized and protected:

We strongly suggest that to make the implementation of Bill C-11 most effective to support the entire Canadian film industry and its objectives, the online services (“OTTs”) should commit to investing in Canadian Content by licensing it from Canadian distributors for a negotiated license term (similar to broadcasters), and not take all rights in perpetuity. This also allows the continued support of the Canadian feature film distribution industry, so these Canadian Content films are released in other media (e.g., theatrical, VOD, home video), otherwise we risk that only US Studio content will be on screen for Canadian audiences. (2022, p. 2)

A broad consensus is held among many Canadian organizations that all undertakings within the Canadian broadcasting system should be held to a high standard of use of Canadian creative resources, and that undertakings conducted by international platforms shouldn’t be held to a lower standard: the Alliance of Canadian Cinema, Television, and Radio Artists (ACTRA), APFC (2022, p. 4), the DGC (2021, p. 5), FRIENDS (2022, pp. 1–2), the WGC (2022, pp. 5–6), and the Coalition for the Diversity of Cultural Expressions (CDCE) (2022, p. 1) agreed to a similar amendment to the act declaring that

. . . each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation, production and presentation of Canadian programming, and shall contribute significantly to the creation, production and presentation of Canadian programming to the greatest extent that is appropriate for the nature of the undertaking[.] (Alliance of Canadian Cinema, Television and Radio Artists, 2022, p. 4)

Multiple organizations highlighted the precariousness of work in the cultural industries, including screenwriters enticed to leave Canada for better work abroad (Writers Guild of

Canada, 2022, p. 4), digital content creators who rely on social media platforms (TikTok Canada, 2022, p. 2; YouTube, 2022, p. 8), screen composers who lack a collective bargaining agreement (Screen Composers Guild of Canada, 2022, p. 1), and producers of dramas and scripted comedies—the two genres that ACTRA identifies as being “most important culturally and the most underrepresented in the system today”:

Artists are the original ‘gig workers’: sporadic work opportunities, low income, few benefits, and irregular hours. According to a 2004 survey of 3,000+ professional artists in Ontario, 67 per cent reported they had to work outside their profession “in order to survive economically.” Analysis of 2016 census data shows the total average individual income of those in the category of Actor and Comedian was only \$29,500, lower than the average of all artists (\$37,000) and almost 50 per cent lower than that of all workers (\$55,200). (2022, pp. 4, 5)

It's evident in many of these instances that economic and cultural concerns overlap significantly in the rhetoric surrounding the *Online Streaming Act*; the association of artists and creators with jobs and economic advantages can be evident in other rhetorical frames used to defend the *Online Streaming Act*. Within the ‘economic growth’ frame, Canadian content production is framed as a benefit to Canada’s economy, though it’s disputed as to whether increased regulatory intervention is necessary to improve market outcomes, with some organizations claiming that cultural objectives are already being achieved without more public interference.

5.2. ‘Cultural Sovereignty’ Frame

Protecting the national quality of the Canadian film and broadcasting sector encompasses another rhetorical frame, that of ‘cultural sovereignty.’ This frame entails support for the domestic cultural industries as an expression and cultivation of a shared culture and identity, especially as the domestic industries face stiff competition against American and global offerings for Canadian audiences. In their respective speeches introducing Bills C-10 and C-11, Ministers of Canadian Heritage Steven Guilbeault and Pablo Rodriguez used the term “cultural sovereignty” as something that will be protected by the act. Pablo Rodriguez (LPC) stated,

For more than 50 years, the Broadcasting Act has helped us share our stories. That is how we built a strong Canadian culture. That is how we forged our Canadian identity, and that is how we brought Canadian voices to the world. We want to build on this for the future. We must recognize that

times have changed. . . . The online streaming act will make a direct contribution to the vitality of Canadian culture. We just want online streamers to do their fair share, no more, no less, to fund, create, produce and distribute Canadian content. The act will ensure the future of Canadian broadcasting, as well as promote and protect our cultural sovereignty. (Canada. House of Commons, 2022b, pp. 2320, 2322)

Alexandre Boulerice (NDP) echoed this sentiment in their speech to the House:

The bill addresses other points worthy of our attention, such as the idea of cultural sovereignty. If we cannot find a way to tell our own stories, the stories of our regions and towns, we will be crushed, completely overtaken. Our identity, be it Canadian, Québécois, indigenous or something else, will suffer. We have to be realistic. We are right next to the United States, the epicentre of global cultural imperialism. We need to make sure we have the tools to protect Quebec and Canadian content and our ability to produce it. We have to protect our content and promote the use of local talent. Quebec and Canadian artists have to be able to participate and be in those productions. They need exposure and recognition. (Canada. House of Commons, 2022b, p. 2335)

Elizabeth May (GP) made a similar statement, albeit more focused on addressing the current state of what qualifies as 'Canadian' and lambasted efforts to reduce the qualification to shallow and insensitive representations:

I want to address the bill. I have thought a lot about it, and in some of the debate, the notion that we need to do more for Canadian content has been somewhat ridiculed because there is Canadian content in things like *The Handmaid's Tale*. Why would we think that needed more Canadian content? . . . It is absurd to think for one minute that a Canadian Mountie makes a show Canadian or that the inclusion of an indigenous character makes it appropriate. It is laughable. We really do have to pay attention to raising up Canadian content. (Canada. House of Commons, 2022c, p. 5158)

Based on the sampled House speeches, the *Online Streaming Act* and its deliberations were largely seen as an opportunity to protect Canadian cultural sovereignty by members from all the major parties except for the CPC. Julie Dabrusin (LPC) accused the Conservatives for not supporting Canadian artists, specifically calling out a statement made by Rachael Thomas (née Harder, CPC) to a local newspaper in their riding (Kalinowski, 2021); Dabrusin stated,

A member of the Conservative caucus called artists who received support "niche groups", that all of them must be stuck in the early 1990s because they had not managed to be competitive on new platforms and were producing material that Canadians just did not want. . . . I wonder if the

member for the Conservative opposition was referring to shows from Alberta, such as *Heartland*, or *Little Mosque on the Prairie*, or maybe successful Canadian shows like *Murdoch Mysteries*, *Kim's Convenience*, *Corner Gas*, or Canadian musicians like Jessie Reyez, Gord Downie and the Arkells, all of whom received support through our cultural production funds. (Canada. House of Commons, 2021, p. 8920)

A specific concern discussed within the theme of protecting cultural sovereignty is the concern of content discoverability on online platforms. Most of the rhetoric focused on ensuring that Canadian content was available and accessible to domestic audiences, though the potential and importance of international export was also mentioned. While introducing Bill C-10, Steven Guilbeault (LPC) used a personal anecdote to illustrate the potential impact of discoverability measures:

When my daughter opens an online streaming platform, I, like many other parents, want to know that she is being offered the choice to see a Canadian series with her favourite actors, like *District 31* with Vincent-Guillaume Otis. I would like her to have the choice to see a documentary on the history of indigenous peoples in Canada, for example. After all, it is our history and it is up to us to tell it. . . . What we are proposing will allow her not only to take advantage of an international offering, but also to discover Canadian content, which could be funded by contributions from these same digital platforms. . . . What we are proposing will not impact consumers' choices. It will not limit what any of those streamers can showcase in Canada and it will not impose a price increase. Foreign platforms will benefit from proposing local content that resonates with their subscribers. (Canada. House of Commons, 2020b, pp. 2062, 2063)

Paul Manly (GP) shared agreement with this sentiment in their speech near the end of the Bill C-10 deliberations:

What is important in CanCon is indigenous voices, stories from Canada's north, Canadian documentaries, stories of new Canadians and emerging Canadian musicians. These are the programs that need to be discoverable, and that is what discoverability is about. It is about learning about each other and about Canadian stories, not being inundated by American culture or the dominant culture. (Canada. House of Commons, 2021, p. 8927)

Early in the deliberations around Bill C-10, Alexandre Boulerice (NDP) expressed concern that the discoverability measures didn't go far enough, and that ignoring algorithms in the legislation would make it ineffective:

We must ask ourselves one important question: Will consumers see this content? It is all well and good to say that there may be a Quebec film in the Netflix catalogue, but if it never appears on the home page when the app is opened, if people do not even know it exists, they are not going to

watch it. . . . The Liberal government is telling us that it wants that work to be seen and found by consumers, but it does not want to intervene in the algorithms of these social media platforms and online streamers. (Canada. House of Commons, 2022b, p. 2334)

For industry organizations, the ‘cultural sovereignty’ frame was partly deployed through calls for maintaining domestic ownership of the Canadian broadcasting system, ensuring that Canadian content is accessible and discoverable, and countering the dominant American presence in Canada’s production and exhibition sectors (Writers Guild of Canada, 2022, p. 1):

Historically, Canadian broadcasting regulation has had both an [sic] economic and cultural objectives: building a thriving domestic production industry, and therefore our capacity to produce high quality original programming while enhancing cultural sovereignty and ensuring the future of our artists and creators. This is the fine equilibrium that Bill C-11 proposes to restore. (Directors Guild of Canada, 2022, p. 3)

Part of maintaining the cultural sovereignty inherent in Canada’s broadcasting system is ensuring that the system is “effectively owned and controlled by Canadians,” as is worded in the *Online Streaming Act* (Canada. House of Commons, 2022f, p. 4). Some organizations, including ACTRA (2021, pp. 3–4) and the CMPA (2021, p. 6), took issue with the removal of the ownership declaration in the act’s initial form as Bill C-10. However, with it being reintroduced in Bill C-11, some organizations took issue with how foreign undertakings were addressed. Rather than view foreign undertakings as an “exception,” the CDCE (2022, pp. 5–6), the DGC (2022, p. 4), and FRIENDS (2022, p. 1) suggested that foreign undertakings should be “include[d]” in the Canadian-owned broadcasting system. The reason for this concern, as emphasized by the WGC, is that while the *Online Streaming Act* aims to allow a diverse array of streaming platforms to operate in Canada without being held to strict standards and quotas that may impede their business model, this flexibility may create opportunities for international producers to avoid using Canadian talent if they aren’t required to while Canadian producers are expected to abide by a different standard:

This two-tiered approach is deeply problematic for Canadian screenwriters and other Canadian creators. By setting two different standards, C-11 would allow foreign online undertakings to engage fewer Canadian creators (such as screenwriters) in the creation and presentation of Canadian programming, and open the door to content that is creatively driven from the United States or elsewhere to count towards meeting the policy objectives of the Act. Given that we face a possible future in which

foreign online undertakings could dominate the Canadian market—especially when it comes to the creation and presentation of larger-budget programming like drama, comedy, animation, children’s programming, and documentaries—this could make the lower bar of (f.1) the *de facto* standard for the Canadian broadcasting system. (2022, p. 5)

American streaming platforms, the CMPA alleges, have been very effective at implementing “‘own and control’ strategies” of producing and acquiring content, which risks turning Canada into a content “branch plant” (2021, p. 6). According to the CAFDE,

Even before the negative impact of COVID-19, the majority of films viewed in Canada were US Studio films. In 2019, according to Comscore, Canadian box office illustrated the dominance of non-Canadian ownership; Studios represented 81.4% of the box office whereas Canadian independent distributors represented 18.6% of the box office. (2022, p. 1)

Fears of American dominance, then, can be used to justify the ‘cultural sovereignty’ frame. Organizations including the CAFDE (2022, p. 4), ACTRA (2022, p. 6), ADISQ (2022, p. 6), FRIENDS (2022, p. 2), and the Union des producteurs et productrices du cinéma québécois (UPPCQ) (2021, pp. 7–8) also voiced support for discoverability measures for Canadian programming on broadcasting services, even if it means—as ACTRA suggests—giving the CRTC the leverage to impose changes on platforms’ algorithms. In their respective written submission, Netflix emphasized the work that it’s already doing to highlight and showcase contemporary and classic Canadian films and television series to global audiences (2022, pp. 2–3), while MPA-Canada—which represents major American film studios—emphasized the international audience for Canadian content and the tourism it attracts, along with the jobs created by American productions that film in Canada:

Made-in-Canada content on global streaming platforms helps inspire global tourism and cultural connection to Canada. By revealing the authentic side of Canada, these content offerings help to immerse viewers in local culture and expose them to faraway locations with polling demonstrating that people who watch this content are two times more likely to say Canada is their #1 travel destination and two and a half times more likely to want to learn French. (2022, p. 3).

Throughout this debate, ‘cultural sovereignty’ is a concept that’s largely treated among parliamentarians as self-evident and administrable. But with Rachael Thomas’ (CPC) cited criticism that only unmarketable artists require public funds (Kalinowski, 2021), along with the recognition that algorithms and different regulatory expectations of

non-Canadian platforms don't guarantee the consumption of Canadian content, the role of the public user/consumer as a participant in Canadian culture isn't adequately addressed. For instance, the efforts undertaken by the CRTC to regulate Netflix will be of hardly any use to any Canadians that don't (or can't afford to) subscribe to their service, and those who do subscribe will influence Netflix's offerings through the usage data they provide.

5.3. 'Diversity' Frame

One of the primary goals stated in the *Online Streaming Act* is to diversify Canada's broadcasting system and provide content that's made by and for BIPOC Canadians, LGBTQ2S+ Canadians, Francophone Canadians, and people with disabilities (Canada. House of Commons, 2022f, p. ii). This was addressed by many of the sampled House of Commons speeches and organization submissions in what might be called the 'diversity' frame. As a key priority within the *Online Streaming Act*, members from the LPC including Minister Pablo Rodriguez ensured that it was addressed in their speeches to the House:

Diversity and inclusion are Canadian values and they must be key elements of our cultural policy. This is a key pillar of the online streaming act. Racialized Canadians, women, LGBTQ2+ persons and persons with disabilities deserve to have a space to tell their stories to other Canadians but also to the world. (Canada. House of Commons, 2022b, p. 2321)

Steven Guilbeault's (LPC) introduction of Bill C-10 included specific provisions that were hoped to be implemented through the passing of the act:

We intend to ask the CRTC to implement an incentive mechanism that would encourage behaviours that are inclusive and ensure no one is left behind. . . . Some of the elements we would like to see being incentivized are: diversity in key creative positions, the role and place of Black Canadians in our system, the retention of our rich intellectual property in Canada and fair and transparent compensation for our musicians. . . . We know how important it is to see ourselves represented in all our complexity, either on screen or in productions. With the modernization of the Broadcasting Act, our francophone, anglophone and indigenous creators, our creators with disabilities, our creators from visible minorities and the LGBTQ+ community will have the means of telling their own stories and, more importantly, of making sure they are seen and heard. (Canada. House of Commons, 2020b, p. 2062)

Among discussions of ensuring diversity within the Canadian broadcasting sector, much attention was paid to how the *Online Streaming Act* might increase the availability and accessibility of Francophone content. While Steven Guilbeault (LPC) addressed this as a priority while introducing Bill C-10, opposition representatives from Quebec including Alain Rayes (CPC), Martin Champoux (BQ), and Alexandre Boulerice (NDP) criticized the bill for its lack of clarity and specification regarding the proportion of French content that needs to be available. In their speech responding to the tabling of Bill C-10, Martin Champoux (BQ) stated,

Members will not be surprised to hear that I think that the way the issue of French is addressed in this bill is pathetic. For example, it could have included slightly more rigorous, more sincere protections. Take, for example, clause 9.1, which states that the CRTC may impose conditions regarding the proportion of Canadian content and the discoverability of Canadian programs. I have no problem with that, but how hard would it have been to say the same thing about a fair proportion of French-language content? . . . Believing that the CRTC will protect French-language content on online distribution platforms is like believing in unicorns. The CRTC is already under enormous pressure from various lobbies. I cannot imagine what will happen when billionaire multinationals deploy their weapons of mass seduction to make their case before them. (Canada. House of Commons, 2020b, pp. 2071, 2072)

Similarly, Alexandre Boulerice (NDP) argued for greater clarity in the bill:

However, the legislation must provide clear direction and objectives. That is currently missing from the bill, and we very much doubt that the direction given to the Governor in Council or the CRTC on original French-language content will be very clear. We believe it is absolutely essential that the content be original, not purchased from abroad and dubbed by Canadian or Quebec actors. We want original content created in French. (Canada. House of Commons, 2020b, p. 2075)

Upon wrapping up debates around Bill C-11, Andréanne Larouche (BQ) was able to list amendments that the BQ had put forward in Committee to improve the act and ensure concerns around the protection of Francophone content were addressed:

The Bloc Québécois did a lot to improve the previous version of the bill, namely Bill C-10, by ensuring the protection and promotion of original French-language programs; the discoverability of Canadian programming services and original Canadian content, including French-language original content, in an equitable proportion; the promotion of original Canadian content in both official languages and in indigenous languages; a mandatory contribution to Canada's broadcasting system if a company is unable to make use of Canadian resources as part of its programming; the

requirement for first-run French-language content, in order to ensure there are new French-language shows on Netflix, for example, and not old ones; and a sunset clause that would provide for a comprehensive review of the act every five years. (Canada. House of Commons, 2022d, p. 6895)

Attention was also paid to the need to include emphases on Indigenous programming in the *Online Streaming Act*. While this was included in the act and the LPC ministers' tabling of it as a priority, some opposition members, including Paul Manly (GP), argued that the bill didn't go far enough:

The idea behind CanCon is to hear these important indigenous voices. We need to make sure that the independent producers creating Canadian content have access to the Canada Media Fund when they are producing for social media streamers like Netflix and others, rather than just for the Canadian broadcasters, because that is where a lot of this production is going. . . . To heal from those past traumas, we need to know the truth. The truth is sealed in those medical records, and it is incumbent upon the government to give researchers and independent adjudicators appropriate clearance, access and analysis of this data to conduct a full independent inquiry. I am looking forward to a first nations producer, an indigenous producer, creating a documentary about this and having members of this place finding this through discoverability on YouTube. These are stories we need to hear. These are the truths we need to hear. We also need to hear about the rich cultural heritage of indigenous people. (Canada. House of Commons, 2021, p. 8927)

Alexandre Boulerice (NDP) made a similar mention in a speech in February 2022:

The NDP is very much in favour of focusing on indigenous productions and indigenous-language content creation. That is something that has been neglected over the years, and there is some catching up to do. Investments are required. We are talking about money, about regional and provincial support. I do not know if we are going to want to look at quotas, but the fact that we are even talking about this and making it a priority is a step in the right direction. This is something that the NDP will emphasize strongly when we are studying the bill. (Canada. House of Commons, 2022b, p. 2335)

While many industry organizations expressed broad support for current diversity initiatives and their increased support in Canada's broadcasting system (Association québécoise de l'industrie du disque, du spectacle et de la video, 2022, p. 4; Canadian Media Producers Association, 2022, p. 2; Directors Guild of Canada, 2022, p. 5; Motion Picture Association - Canada, 2022, pp. 3–4; Netflix, 2022, p. 6; TikTok Canada, 2022, p. 2), some argued that more could be done to strengthen the bill's diversity mandates. Criticism levelled against the *Online Streaming Act* by some organizations included a

lack of the term “official language minority communities” (Alliance des producteurs francophones du Canada, 2022, p. 1; Coalition for the Diversity of Cultural Expressions, 2022, p. 4), a need to stress the importance of developing policy “by taking into account [the] specific needs and interests” of Black and racialized communities (Documentary Organization of Canada, 2022; The Racial Equity Media Collective, 2022), and a need to involve marginalized Canadians in all levels of the broadcasting system (The Canadian Ethnocultural Media Coalition, 2022; The Racial Equity Media Collective, 2022):

Our proposals are meant to ensure full participation in the broadcasting system by diverse ethnic minority communities alongside Anglo, Franco and Indigenous communities: (i) as audiences, (ii) as employees, (iii) as producers, and (iv) as operators of services. These amendments will ensure that the *Broadcasting Act* recognizes diverse ethnic minority communities appropriately. This will ensure that regulatory action focuses on concrete measures to address systemic inequities. (The Canadian Ethnocultural Media Coalition, 2022)

Additionally, the APFC (2022, p. 2) and the CDCE (2022, p. 4) criticized the act for using the term “French language original programs” instead of “original French language programs,” a key distinction as the former could include programs dubbed in French. Multiple organizations also stressed the importance of supporting programming in Indigenous languages (CBC/Radio-Canada, 2021, p. 6; Independent Broadcast Group, 2021, p. 3; On Screen Manitoba Inc., 2021, p. 3).

Aside from these concerns, increasing the visibility of marginalized communities on and off-screen in the Canadian broadcasting sector is met with no apparent resistance from major industry players and trade associations. What may be debated, if anything, is the need for such additions to Canadian broadcasting policy amid the technological disruptions in the industry. Netflix, TikTok, MPA-Canada, and the ISCC all boast the efforts and successes made within the sector to promote and support diverse content:

The main virtue of [User Generated Content] is that it has extremely low barriers to entry. It also has virtually unlimited and costless export potential. . . . The ease of entry has some interesting impacts. First, traditionally disadvantaged groups have the ready means to participate in the creation of Internet content. New Canadians, Canadians of diverse ethnocultural backgrounds, racialized communities, indigenous Canadians, persons with disabilities, and persons of diverse sexual orientation and gender identities and expressions all have found a place on social media platforms, and

reach both broad and niche audiences worldwide. (Internet Society Canada Chapter, 2022, p. 6)

However, the Racial Equity Media Collective (REMC) addresses a lack of diversity within Canada's broadcasting sector as a historical and longstanding problem:

For years BIPOC communities have felt underrepresented and undervalued within the Canadian broadcast landscape. Skepticism and outright denial have met the community's claims and efforts to address the issue. Our communities' anecdotal evidence has been dismissed, and our efforts to address systemic racism are seen as ingratitude. For years, the default position of the Canadian broadcast ecosystem has been one that is overwhelmingly white, and those of us from BIPOC communities who break through should be grateful for a seat at the table. This cannot continue. BIPOC Canadians have just as much right to produce content and see and hear themselves on-screen and on air as any other Canadian. Seeing ourselves and our stories on screens profoundly impacts our sense of self-worth and our Canadian identity. For too long, BIPOC Canadians have had to turn to other markets for content about our communities. This must change. Our broadcast ecosystem must reflect the country we live in. (2022)

The *Online Streaming Act* offers a substantial improvement upon the diversity mandate of the *Broadcasting Act* in the sense that it offers more specificity to its language and implicates specific communities and groups. However, as Mariane Bourcheix-Laporte notes, “[r]ead through the lens of settler colonial governmentality, Canadian multiculturalism is a technique of government that institutionalizes difference to better manage it” (2023, p. 85). Inclusion, in this regard, is a precondition for subjection. Can the regulation of online platforms be designed in such a way that users can continually participate in its improvement, integrating feedback from diverse communities as proposed by the REMC (2022)?

5.4. Discussion

The CRTC will be tasked with specifying regulations to carry out what's pledged through the *Online Streaming Act*, which former chair Ian Scott once described will be centred on economic incentives rather than restrictions or quotas (Standing Committee on Canadian Heritage, 2022, p. 7). But if Canadian content is a 'market failure,' it's unclear what incentives could yield cultural outcomes from major industry players. By emphasizing the need to ensure 'economic growth' and 'cultural sovereignty' in broadcasting legislation, the Government of Canada is, as Wendy Hui Kyong Chun

phrases it, “updating to remain (close to) the same” (2016, p. 1). The contradictory and “habitual” (Chun, 2016, pp. 1, 10–11) governmentality of pursuing cultural objectives through economic incentives continues unabated in the parliamentary debates around the *Online Streaming Act*.

Prior to the tabling of Bill C-10 in 2019, Richard Stursberg and Stephen Armstrong published *The Tangled Garden*, a manifesto covering the issue of Canada’s cultural industries amid technological change (Stursberg & Armstrong, 2019). Admittedly written from the perspective of a “cultural nationalist,” the manifesto’s demands include requiring all broadcasters participating in Canada to abide by similar regulations (including financial contributions and Canadian content quotas), as well as expanding eligibility for public production funding to all broadcasters (Stursberg & Armstrong, 2019, pp. 11, 171, 182–190). Additionally, the manifesto demands for the definition of Canadian content to reflect the cultural significance of the applicable content, as well as an end to government subsidies for foreign productions (Stursberg & Armstrong, 2019, pp. 165–169, 170). While offering a roadmap towards a commercially viable domestic cultural sector, Stursberg and Armstrong’s position perfectly exemplifies the nationalism and neoliberalism tension that defines the Government of Canada’s approach to the cultural industries: Canadian content is prescribed to be developed through market forces and favours the power of corporations yet opens the possibility of holding undertakings to strict cultural objectives. However, this roadmap ultimately suggests that a market for Canadian content could be *created* through monetary incentives if it doesn’t already exist (Harvey, 2005, p. 2).

The debates contained within the frames of ‘economic growth’ and ‘cultural sovereignty’ could be considered “*zombie* categories,” as they reiterate concerns that have long been held within debates around Canadian broadcasting policy and legislation, yet are complicated by current circumstances (Beck, 2002, p. 24). As is evident in Ryan Edwardson’s chronicle of the development of public supports for Canadian culture, the concept of cultural sovereignty has long served as a malleable defense for different cultural policy endeavours, flexible enough to support the high-brow patronage of the arts proposed by the Massey commission, or the “new nationalism” advocated by Canadian academics in the mid-1960s, or the defense of federalism from Prime Minister Pierre Trudeau amid the threat of Quebec separatism, or the economic and industrial supports granted through institutions such as the CFDC (2008, pp. 76–77,

108–109, 138, 207–208). By focusing much of the discussion of Canadian content on major commercial undertakings such as *Heartland* or the music of The Tragically Hip—one of the band members of The Tragically Hip even appeared at a Standing Committee meeting (Standing Committee on Canadian Heritage, 2022)—the parliamentary debates around the *Online Streaming Act* largely overlook the economic and cultural significance of user-generated content and creators that focus their efforts on social media activity. It also overlooks discussion on ‘Canadian’ as an identifier among an increasingly diverse and interconnected population, bringing to mind the “‘absent nation’” within Maurice Charland’s description of Canada’s technological nationalism, described as “undermin[ing] the possibility of a community of participation” (1986, pp. 198, 216). Rather than define and distinguish the ‘wicked’ convergences of online platforms and their affordances to users, the *Online Streaming Act* continues a panoptical administrative approach to broadcasting policy (Kernerman, 2005, p. 101). While social media platforms are mentioned by parliamentarians, their cultural significance as compared to films and television programs remains a mystery, possibly due to its immeasurability.

Chapter 6.

Data and Discussion III: Framing Online Platforms

The remaining debates and points of concern from parliamentarians and organizations around the *Online Streaming Act* can be encompassed within three frames: ‘public good,’ ‘effectiveness,’ and ‘modernization.’ Parliamentarians and organizations reflected on the responsiveness of the *Online Streaming Act* and the CRTC’s regulatory processes to public needs, and emphasized the importance of regulating online platforms in such a way that is futureproof and yields results.

6.1. ‘Public Good’ Frame

Parliamentarians and organizations expressed the importance of the *Online Streaming Act* for responding to public and democratic concerns; these statements are encompassed by what’s been identified as the ‘public good’ frame. A debate among members of parliament concerned the extent to which the bill was crafted as a response to public concerns, and whether the bill provides the ability for affected organizations to hold public institutions accountable. Members of the Liberal Party repeatedly referenced the lengths taken to obtain insight and feedback throughout the process of crafting the bill, as Julie Dabrusin exemplified:

Even before tabling the bill, we heard from people who worked across the entire spectrum of the broadcasting sector about the importance of modernization. In June 2018, our government appointed a panel to review the broadcasting and telecommunications legislative framework. We received over 2,000 written submissions and heard directly from many people through conferences across the country. The Yale Report was released in January 2020, making recommendations based on this intensive study that created the framework for Bill C-10 and the modernization of the Broadcasting Act. (Canada. House of Commons, 2021, p. 8919)

Members of the Conservative Party have taken lengths to identify constituents and organizations who have opposed elements of the bill, including some online platforms and creators. In June 2021, Kerry Diotte (CPC) stated in the House that

There are a lot of people against this Big Brother bill. Every constituent I talk to wants me to fight against the bill. . . . In fact, I have heard so much

opposition to the bill that I decided to start an online petition against it. I was inundated with people signing it. I told them that I would send a letter of protest directly to the Prime Minister on their behalf, and that is exactly what I did. (Canada. House of Commons, 2021, p. 8922)

Members of the NDP and the BQ highlighted the importance of listening to affected organizations. In response to the initial tabling of Bill C-10, members of the NDP and the Green Party expressed concern regarding the lack of ability for stakeholders to challenge the CRTC under the new proposed regulatory system, as exemplified by Alexandre Boulerice (NDP): “Under the new system of orders and conditions of service, there does not seem to be a renewal process that offers an opportunity to challenge, add or change certain conditions. The NDP feels it is very important to put that on the agenda” (Canada. House of Commons, 2020b, p. 2075).

Members of Parliament often referred to their own willingness to work across party lines, particularly in the deliberations held by the Standing Committee on Canadian Heritage, as referenced by Julie Dabrusin (LPC): “Government and opposition parties proposed amendments. In many cases, more than one party proposed pretty much the same amendments, which were moments when there was better collaboration as we worked through them” (Canada. House of Commons, 2021, p. 8919). In some cases, these references were made as a kind of rallying cry to ensure that the bill is perfected, as exemplified by Elizabeth May’s (GP) encouraging rhetoric: “We can do this. Whether it is through this bill or the many others that are looking at social media, we have to fix this. I will close here and just say this. Let us get Bill C-11 to committee. Let us get it right” (Canada. House of Commons, 2022c, p. 5159). In other instances, these references were self-congratulatory, mentioning the success of bringing forward amendments that were passed in committee by the opposition parties—particularly the NDP and the BQ. On June 17, 2022, Peter Julian (NDP) stated,

We are happy that we were able to use our effective opposition voice not to destroy, block or stop any consideration, but to improve this important bill. . . . The NDP proposed amendments to improve accessibility for marginalized people, people with disabilities, indigenous peoples and racialized people in Canada, and these amendments were adopted. These measures will improve the bill overall. We also succeeded in getting the number of local and community programs increased. The fact that the CRTC will now be more accountable to Canadians is another NDP success. Canadian jobs are another very important aspect of the bill. We wanted freedom of expression to come above everything else, and the

NDP's amendment in that respect was successful. (Canada. House of Commons, 2022d, p. 6897)

At the same time, attention was paid to the role that obstruction played in the process of committee deliberations regarding the bill, often calling out the Conservative Party specifically for engaging in filibustering and using loaded rhetoric to depict the bill as an affront to freedom of expression in Canada. On June 21, 2021, Martin Champoux (BQ) addressed the issue at length in their speech in the House:

I am rather pleased that we are in the final stages of this bill, particularly because we have pretty much covered all of the arguments and the list of witnesses and experts on which the Conservatives based their fearmongering. . . . The campaign of fear has run its course. It has slowed the progress of this extremely important bill since April, with what is commonly known as organized filibustering. Who will pay for that? The artists, creators, culture and the cultural community in Quebec, but also in Canada. The only ones to profit from it are the Conservatives, who oppose the bill, despite the fact that the other parties of the House are working hard to improve it and move it forward. I remind members that this bill was imperfect, but certainly not as bad as what the Conservatives have been saying for weeks and weeks. (Canada. House of Commons, 2021, p. 8923)

As members of the LPC, NDP, and BQ criticized the tactics of the Conservatives, there was also some criticism of how the debate was handled overall, as evidenced by Alexandre Boulerice (NDP):

The way the Liberals have been managing this bill strikes me as rather strange. They imposed closure on a committee, which has only ever happened three times. Despite this gag order, they had to resort to a supermotion. The Liberal government treated this bill as if we had neglected it and taken it lightly, while it was too important for equity in our Canadian programming ecosystem and for the defence of programming and content in French, as well as in indigenous languages. (Canada. House of Commons, 2021, p. 8926)

One specific element that some Members of Parliament noted was missing from the bill was regulation addressing the spread of hate speech and misinformation online. As Paul Manly (GP) stated in December 2020,

Social media platforms are publishers who generate enormous profits from content, content which is often racist, homophobic, misogynist and misleading. Social media companies should be required to uphold the same standards as traditional broadcasters. The absence of these standards and the expectations of voluntary self-regulation has brought us to a place where social media is negatively impacting our mental health,

creating deepening divisions in society and having a corrosive effect on democracy. (Canada. House of Commons, 2020c, p. 3304)

The danger of harmful speech was continually referenced throughout the parliamentary deliberations, particularly when they overlapped with the presence of the Freedom Convoy in Ottawa. Near the end of the deliberations around Bill C-11 before it passed the House, Peter Julian (NDP) stated,

Hate and disinformation come from the fact that we do not know our neighbours, and the erosion of community media and community voices has unfortunately contributed to the amplification of the hate and disinformation in our country that we are all seeing. . . . Bill C-11 and the fact that we have managed to make more Canadian voices heard are another way to counter disinformation. There is not just disinformation around Bill C-11. In the United States, Republican disinformation is currently a major issue because it is warping democracy and undermining the very essence of voting. (Canada. House of Commons, 2022d, pp. 6897, 6898)

Another specific policy problem addressed by parliamentarians included the need to support regional and community news media. Members of the NDP, BQ, and GP highlighted this in their speeches, including one from Elizabeth May (GP) in May 2022:

The whole piece around the community element needs work. The broadcasters within community radio and community television that take on the role of community really want the community element definition fixed. One of the key concepts that I hope the committee will take on, in listening to community broadcasting, is to make sure that community broadcasting, by its definition in Bill C-11, is understood as fully community run. (Canada. House of Commons, 2022c, p. 5159)

Within this frame, there are two topics of special interest among the sampled organizations. The first entails the importance of the CRTC being receptive to the needs and concerns of organizations through processes including public hearings (Association québécoise de l'industrie du disque, du spectacle et de la vidéo, 2022, pp. 2, 3, 6; Coalition for the Diversity of Cultural Expressions, 2022, p. 3), appeals to the Governor in Council (Coalition for the Diversity of Cultural Expressions, 2022, p. 2), careful evaluations of suggestions for amendments (Netflix, 2022, pp. 1, 8), community engagement (The Racial Equity Media Collective, 2022), and increased transparency from the CRTC (Forum for Research and Policy in Communications, 2022, pp. 5–6). Additionally, the UPPCQ emphasized the need for measurement-based policies that utilize viewership data (2021, p. 7), which the Racial Equity Media Collective (REMC)

similarly noted in their call for continuous sector monitoring and evaluation within government and the CRTC (The Racial Equity Media Collective, 2022):

Applications to the Governor in Council are rarely successful, but when they are, they can make a difference by allowing civil society to make legitimate arguments that had not been accepted by the Commission. . . . Bill C-11 do not provide for a public hearing process for the issuance of orders setting out conditions of service, as is the case for licences. Instead, section 9.1 (4) provide that proposed orders be made available on the CRTC's website and that interested persons be given the opportunity to make representations. . . . Unlike hearings, such a process does not ensure that the various views are considered in a review. In addition, the CRTC would not be able to ask stakeholders as easily for clarification to allow it to get a better sense of the positions of all stakeholders in an issue. Stakeholders will also not be able to take advantage of the hearings to intervene on elements raised by other parties, which could hinder the understanding of the issues. We are also concerned about the uneven levels of experience and resources available to the various potential stakeholders. (Coalition for the Diversity of Cultural Expressions, 2022, pp. 2, 3)

The second is the importance of supporting local news agencies, as many local news organizations have been struggling financially (BCE Inc., 2021, pp. 2–3; Canadian Association of Broadcasters, 2022; FRIENDS, 2022, p. 3): “Maintaining professional newsrooms in communities across the country is a fundamental commitment of Canada’s broadcasters, but is one that has seen them lose tens of millions of dollars over the last decade” (Canadian Association of Broadcasters, 2022). According to BCE Inc., advertising revenues from local news broadcasts have been declining since long before the COVID-19 pandemic:

Pre-pandemic, combined annual advertising revenues for local television and radio stations declined over the last decade by approximately \$700 million, from \$3.8 billion in 2010 to \$3.1 billion in 2019.³ In fact, local private television has been unprofitable every year since 2013, with a cumulative pre-tax loss of over \$1.1 billion dollars by the end of 2019. Over the course of the last 12 months, the situation has become dramatically worse as advertisers cut spending on traditional media by hundreds of millions of dollars. (2021, p. 2)

6.2. ‘Effectiveness’ Frame

To achieve fairness in the broadcasting and film sectors, organizations listed suggestions to make new regulations as effective as possible; this can be identified as the ‘effectiveness’ frame. As has been addressed in previous frames, opposition

parliamentarians expressed concern that the *Online Streaming Act* didn't cast a wide enough net for online platforms, and that the bill could be improved with more specific quotas and thresholds. While Alain Rayes (CPC) expressed concern that print media and the distribution of advertising revenue isn't addressed by the bill (Canada. House of Commons, 2020b, p. 2065), Alexandre Boulerice (NDP) expressed on a couple of occasions that the act doesn't do enough to address the distinction between commercial and personal content, and how this vagueness provides the opportunity for some material to be underregulated:

This bill should have been much more ambitious, but I get the impression that the government was looking for the lowest common denominator. In the end, we did not end up with much. The NDP is worried that this bill does not really include everyone. Internet service providers are not included. . . . Another thing that is missing is YouTube. We can talk about television and film production, but we must not forget that the broadcasting bill also affects musicians. That is very important. For now, Bill C-10 appears to cover Spotify, but not YouTube, even though it is an indispensable platform for many artists, be they well established or up-and-coming. (Canada. House of Commons, 2020b, pp. 2074, 2075)

These platforms and social media sites are used a lot for professional and business purposes. That is fine, but we need to make sure that we have a mechanism for determining the value of the commercial use of TikTok or YouTube, for example, and excluding private or personal use. (Canada. House of Commons, 2022b, p. 2334)

To ensure that the bill is as effective as possible, some parliamentarians called for specific thresholds to be identified in the act. John Nater (CPC) suggested that online commercial streaming platforms should be required to meet an investment quota into producing original Canadian programs in English and French, while Paul Manly (GP) suggested that these platforms should be required to either fund or carry a certain portion of Canadian content (Canada. House of Commons, 2020c, p. 3304, 2022b, p. 2325). Both Alain Rayes (CPC) and Martin Champoux (BQ) expressed a need for the legislation to include specific quotas regarding Francophone content, with Champoux going as far as suggesting implementing a "requirement that 40% of money spent on Canadian productions be used to create French-language content" (Canada. House of Commons, 2020b, pp. 2066, 2072). The general merit of quotas was also debated, as was further addressed by Alain Rayes (CPC):

I even made a few comments to the minister, and my opposition colleagues who were with me during the various briefings asked questions about

quotas and benchmarks. The government tried to put us in a tight corner by saying that quotas were not a good idea, that it was unreasonable to ask for such a thing and that we should trust the CRTC. . . . They also said that imposing a quota was like setting a limit. That is like saying that judges lose their discretionary power when parliamentarians legislate minimum and maximum sentences. I do not believe that. Market forces always work things out. If the need is really there, people will go well beyond any minimums that might be set in order to provide protection. (Canada. House of Commons, 2020b, p. 2067)

Much of the discussion among industry organizations around the possible effectiveness of such legislation hinged on the clarity and strength of the terms and vocabulary used. For example, the Intellectual Property Institute of Canada (IPIC) deemed the definition of “online undertaking” to encompass too many diverse business models (2021, p. 3); the APFC called for a reinstatement of the term “official language minority communities” to include Francophone communities in largely Anglophone regions (2022, p. 2); ACTRA took issue with the term “employ” when used to describe the “maximum, but in no case less than predominant use” of Canadian talent in domestic broadcasting because the term ‘employ’ could exclude cultural workers in an independent capacity (2022, pp. 3–4). For the *Online Streaming Act* to achieve its desired results of instating fairness in the cultural sector, various organizations expressed concern with the potential loopholes that could be exploited through vague terms and definitions. ACRTA (2021, p. 6) and the CDCE (2022, p. 6) noted that a generalized exclusion of social media content could create loopholes that online companies could take advantage of. Similarly, the CMPA took issue with a narrow use of the term ‘copyright’ in Bill C-11:

. . . the use of the term “copyright” in paragraph 10(1.1)(a) is too narrow. It should be replaced with “intellectual property,” which encompasses a broader set of rights associated with a given property. The licensing of a program by a producer to a buyer (whether it be a broadcaster or streamer) involves the negotiation of multiple rights, as additional revenues can be generated from multiple sources such as distribution, formats, spinoffs and merchandising. The narrow use of the term “copyright” fails to encapsulate the extent of rights associated with a program, and could effective [sic] cut out independent Canadian producers that have spent countless time and resources to develop that IP from the ground up. (2022, p. 3)

The Forum for Research and Policy in Communications (FRPC) also noted that many of the act’s subsections use loose and aspirational language that avoids strict and binding policy:

Section 3's wording makes it unlikely that Parliament's objectives will be implemented because of its 45 subsections just 8 are mandatory ("shall"). Of the remaining 37 subsections 33 are discretionary ("should") and 4 are declarations offering interpretation but no specific objectives. (2022, p. 1)

Another concern frequently shared among the sampled organizations is the degree of oversight held over the CRTC; organizations including ACTRA (2021, p. 8), the CDCE (2022, pp. 2–3), the DGC (2022, p. 8), the FRPC (2022), and the ISCC (2022, pp. 8–10) all emphasized the importance of government oversight over the decisions of the CRTC while maintaining an arms-length relationship. However, multiple organizations are also supportive of increased resources being used to support the work of the CRTC and an expansion of the CRTC's scope—such as a contribution requirement from telecommunications and online distribution services (Canadian Media Producers Association, 2022, p. 2; Independent Broadcast Group, 2021, p. 2)—if necessary to achieve the *Online Streaming Act's* objectives (Association québécoise de l'industrie du disque, du spectacle et de la vidéo, 2022, p. 2). The CDCE called to ensure that the inclusion of social media within the act be maintained “so as not to impede the CRTC's ability to regulate broadcasting activities on social media” (2022, p. 6). Meanwhile, ACTRA echoed this sentiment while also arguing that the CRTC shouldn't be limited from interfering with platforms' algorithms if necessary to carry out the objectives of the act (2022, pp. 6, 7). ACTRA (2022, p. 3) and the CAFDE (2022, p. 2) also suggested clear programming and financial thresholds to determine which services should be regulated and how they need to contribute to the availability of Canadian content. Ultimately, organizations articulated that the language of the bill may need to be strengthened, or that legislative tools may need to be added and practiced to ensure that the Government achieves its desired outcomes, as the Racial Equity Media Collective (REMC) suggested in their call for greater accountability within the act:

While the Minister of Canadian Heritage has expressed a clear intention to recommend that the Governor in Council direct the CRTC to support programs created and produced by Indigenous, Black and People of Colour groups, official language minority communities, women and LGBTQ+ communities, **there is no legislative mechanism to ensure accountability.** Without a statutory imperative to see that commitments towards greater equity are sustained, monitored and evaluated over the long term, the Bill is unlikely to lead to tangible changes on the ground. For this reason, we feel amendments should be made to Bill C-11 to strengthen its impact on equity and inclusion in the broadcasting sector. (The Racial Equity Media Collective, 2022)

6.3. 'Modernization' Frame

Given the degree of technological change that has spurred the update to the *Broadcasting Act*, another rhetorical frame identified is one of 'modernization.' Within this frame, organizations seek a balance between enacting timely legislation that responds to the "disruption" (Burgess & Stevens, 2021, p. 70) that new media has posed to the traditional broadcasting industries while ensuring that the legislation is flexible and futureproof to accommodate a diverse array of business models: "It has been nearly three decades since the *Broadcasting Act* has been amended, and in the intervening time, this legislation has fallen far behind the technological, economic and cultural developments that have fundamentally changed broadcasting in Canada" (Canadian Association of Broadcasters, 2021, p. 2). Heritage ministers Steven Guilbeault and Pablo Rodriguez both drew significant attention to the evolution of broadcasting technology and new media during their introductory speeches of the *Online Streaming Act*, recognizing that this disruption was a—if not *the*—main reason for the need to update Canadian broadcasting regulation:

From 2011 to 2019, the number of Canadians with Netflix subscriptions has grown from one in 10 to nearly six in 10. The number of Canadians using Spotify to listen to music online has jumped from 2% in 2014 to nearly 30% in 2019. We welcome these innovations that bring so much richness to our lives and so much diverse content. However, prolonging the status quo will only further undermine our ability to tell our own Canadian stories. (Canada. House of Commons, 2020b, p. 2061)

So much has changed in the last 30 years. Online content delivery has changed how we create, discover and consume content, and the system in place today needs to reflect this. . . . Since the last major reform in 1991, the system has served Canadians well by creating a distinct space for our culture. Thanks to this system, generations of Canadians have grown up listening to Canadian music on the radio and watching Canadian movies on television, and generations of artists have been able to showcase their art and touch the lives of many Canadians. Now that the Internet has opened the door to new cultural connections, we want Canada's cultural success to continue, expand and accelerate. (Canada. House of Commons, 2022b, pp. 2320, 2322)

Opposition party members broadly agreed to the need for legislative change to accommodate the effect that new media has had on Canadian media consumption. Responding to Bill C-10, Alain Rayes (CPC) argued that the bill didn't go far enough to

address the different methods of generating revenue between digital and traditional media:

This bill is being introduced because we have a duty to modernize a 28-year-old law that has not kept pace with an evolving sector and the arrival of the Internet and social media on the market. The major online platforms such as Facebook, Google, Netflix, Crave, Spotify and others are not subject to the same rules as conventional players. Thus, the Broadcasting Act was supposed to be revised to include all of them in the system, which has not been done. . . . The bill does nothing to remedy the inequity between digital and conventional media. The regulation of social media, such as Facebook, and the sharing of the advertising revenue requested by traditional media are urgent because the longer we wait, the less there will be, which will be dangerous for our democracy. (Canada. House of Commons, 2020b, pp. 2066, 2067)

As an update to the *Broadcasting Act*, the *Online Streaming Act* was characterized by some as less of a novel and new approach to regulation, but a necessary update of an older regulatory system, as noted by Andr anne Larouche (BQ):

The Canadian Radio-television and Telecommunications Commission, or CRTC, will receive new powers that will allow it to determine which online services will have to be regulated and what quotas will need to be respected. Bill C-11 will help better regulate video streamers such as Netflix, Apple and TV Plus, Disney+, Prime Video, but also companies that specialize in streaming music online such as Spotify, YouTube and Apple Music. The bill will require them to contribute to Canadian content when commercial items such as albums are downloaded and distributed on platforms. . . . The level of monetization of the use of content in full or in part by a broadcasting undertaking regulated by the CRTC will, among other things, be taken into consideration. The CRTC will also have the option to impose conditions associated with discoverability and the development of Canadian content. (Canada. House of Commons, 2022d, p. 6894)

As much as parliamentarians focused on the change that had taken place since the previous incarnation of the *Broadcasting Act*, some noted that an update to the law would necessarily need to consider whether other changes could impact the industry in the future, requiring a certain amount of regulatory flexibility and futureproofing. Otherwise, as Alexandre Boulerice (NDP) exclaims, the *Online Streaming Act* could present a regulatory “handcuff” (Canada. House of Commons, 2020b, p. 2074). To meet this challenge, Martin Champoux (BQ) celebrated the amendment implementing a “sunset clause” to ensure that the act gets reviewed routinely (Canada. House of Commons, 2021, p. 8924), while John Nater (CPC) suggested “that a Conservative

government would conduct a full review of the CRTC to ensure that it better reflects the needs of Canadians and does not prevent Canadian broadcasters from innovating or adapting to changes in the marketplace” (Canada. House of Commons, 2022b, p. 2325).

While organizations including the WGC (2022, p. 2), the CAB (2021, p. 4), the APFC (2022, p. 3), and the CAFDE (2022, p. 1) emphasized the need for legislation to be passed quickly and urgently, many organizations representing both commercial and independent creators agreed that some flexibility is required to ensure that future innovations won't be excluded and that online platforms can function in their current capacity (Motion Picture Association - Canada, 2022, pp. 5–7):

It is only a matter of time before traditional Canadian broadcasters will complete their transition online. In that situation, they would not be required to be Canadian owned and controlled anymore. Unlike traditional broadcasters, online programming services would not be licensed but would be subject to the conditions of service proposed in Bill C-10. The current bill should be adaptable to technological change and new business models. (Directors Guild of Canada, 2021, p. 4)

A flexible framework is required to ensure the CRTC can create new policies that account for the constantly evolving and diverse global online undertakings that will now be included within the broadcasting system. A modern, flexible approach should allow for each new streaming service to contribute to Canadian cultural goals having regard to the different ways they produce content, their underlying business models, and the entertainment choices they are providing to Canadian consumers. The best way to expand opportunities for Canadian creatives, promote content made by, with, or about Canadians, and bring Canadian stories and talent to the world, is to ensure the regulator can create a modern definition of “Canadian programs” that is flexible enough to support all of Canada's creatives and a broad range of cultural priorities, with no one single factor being determinative. (Motion Picture Association - Canada, 2022, p. 5)

Nevertheless, new media has significantly changed consumer behaviour, whether it be the phenomenon of users abandoning traditional television—as the APFC noted (2022, p. 1)—or the fact that Canada's broadcasting system is changing to an open one inclusive of online platforms (Canadian Media Producers Association, 2021, p. 7; Internet Society Canada Chapter, 2022, p. 3; Writers Guild of Canada, 2022, p. 5). The impact of the “digital revolution” is measurable (Canada Media Fund, 2022, p. 1); according to the DGC, “[i]n 2021, for the first time in Quebec, the proportion of adults with a subscription to a video streaming service exceeded the group with a cable subscription” (2022, p. 2). The ADISQ states that, “according to the *Léger survey of*

music in Quebec, 61% of Quebecers listen to music through audio and video streaming services” (2022, p. 3). The upcoming regulation from the CRTC, then, is expected to both respond to the current predicament facing Canadian producers amid the development of online platforms, but also be responsive to future developments and technologies.

6.4. Discussion

The concerns expressed in the ‘public good,’ ‘effectiveness,’ and ‘modernization’ frames illuminate the wickedness of online platform regulation, and that frames focusing on ‘cultural sovereignty’ and ‘economic growth’ provide limited scopes of understanding platforms despite drawing significant attention. As parliamentarians and affected organizations have noted, the language that’s enshrined in law and policy to define online platforms determines how they interact in the marketplace (Chandy, 2021; Kwak & Kim, 2020). Green Party MP Paul Manly’s classification of online platforms as “publishers” presumes a responsibility to directly address harmful and discriminatory content, which is the subject of debate in the United States around the controversial Section 230 of the Communications Act (Sinnreich et al., 2022, p. 170). While the classification of social media platforms as ‘publishers’ is subject to debate, platforms’ abilities to censor and block certain content demonstrates a capability for platforms to take some responsibility for what they make available, regardless of whether this means they behave as publishers or distributors or hosts (Goldsmith & Wu, 2006, pp. 180–181, 183; Hamilton, 2023; N. S. Kim, 2021; Klapper, 2022). Applying singular and specific terms to platforms, then, can fail to acknowledge the convergent reality of platform operation and use, instead opting towards a form of unidirectional policy determinism (Freedman, 2008, pp. 3, 11, 16–17; Wagman, 2010, p. 628).

Likewise, emphases on CRTC accountability presumes that the regulator has the authority and ability to direct the actions of online platforms. The concern around what the CRTC can implement to respond to public and sector-specific issues in a timely manner is ironically taking place alongside discussions around how to maintain user privacy online. Various scholars have suggested that the issue with online platforms isn’t a lack of user input, but is instead the continuous extraction and tracking of users’ information serves as a key component of the monetization of platforms’ operations (Hallinan & Striphas, 2016; Poell et al., 2019; Srnicek, 2017; Zuboff, 2015). The

Canadian cultural policy apparatus is situated outside of the economic ecosystem sustained by online platforms and dependent on user data and participation; any government intervention might inevitably appear forced and administrative, depending on the efforts to explain these interventions to the public. While the cultural policy apparatus relies on an imagined public (Anderson, 2016; Maranta et al., 2003), popular online platforms can deliver on real-time information collected and aggregated through users' activities. This prompts important considerations towards what it means to be responsive to the public and what scale is required to deliver its needs equitably in all regions of the country, especially in rural areas where internet access is limited (Allen, 2023; Schwientek, 2023). This is just as much a question of logistics as it is one of power, possibly lending credibility to Richard Stursberg and Stephen Armstrong's suggestion to allow large domestic media companies to leverage public funds to support commercial Canadian productions as an attempt to build public buy-in for high quality Canadian content (Stursberg & Armstrong, 2019, pp. 189–190).

Public needs, therefore, are caught between the governmentality of the Canadian cultural policy apparatus and the governmentality of online platforms. Despite the profundity of the *Online Streaming Act*, these conflicts can't be resolved until the CRTC begins crafting regulation following the Act's passage, positioning the parliamentary debates around the *Online Streaming Act* as a warmup for future debates. In the meantime, limited research suggests that the regulatory intentions of the *Online Streaming Act* has public support; a poll commissioned by *The Globe and Mail*⁴ and conducted by Nanos Research suggests that 67% of Canadians are generally in favor of requiring streaming platforms to support Canadian content, while 55% are in favor of broader regulations for online platforms (Carbert, 2022b; Nanos Research, 2022, pp. 2, 4). However, support for these measures is shown to be highest in Quebec and is most divisive in the prairie provinces (Nanos Research, 2022, pp. 3, 5). While the regulations applied to online platforms have yet to be developed, these results suggest that parliamentary arguments asserting that regulation will impede free speech aren't as

⁴ As noted in the article from *The Globe and Mail* by Michelle Carbert (2022b), this research was commissioned and then reported on by *The Globe* while the House of Commons had begun deliberating the *Online News Act*—a piece of legislation that outlines conditions in which online platforms must redistribute revenue to Canadian news outlets like *The Globe*. This could present a conflict of interest in commissioning and presenting research that demonstrates public support for the federal government's legislation of online platforms.

successful in the public sphere as arguments defending 'cultural sovereignty' and access to local and domestic content. This necessitates future research measuring public satisfaction following the implementation of such regulation.

Chapter 7.

Conclusion: A Conflicted Governmentality?

The debates in Canada's House of Commons surrounding the *Online Streaming Act* failed to resolve the convergent and paradoxical challenges posed by online platforms to the Canadian cultural industries, as well as the longstanding tension between 'cultural sovereignty' and 'economic growth' at the centre of Canadian cultural policy. However, the debates were able to bring these conflicts to light, but due to the vague language and purpose of the act, these conflicts were caught within a polarized politics on the question of government interference (i.e., ensuring fairness in the sector versus protecting freedom of expression). On both sides of this polarization lies an emphasis on the role of the state within online activities, an administrative rationality that overlooks the organic and unpredictable cultivation of popular culture as well as platforms' influence on civil society through algorithms and data collection methods. While the *Online Streaming Act* implicates various organizations and individuals within the cultural sector, including general social media users and content creators, the inclusion of film industry organizations and workers in broadcasting legislation is profound, given the Government of Canada's continued avoidance of applying the kinds of regulations to film exhibition that the CRTC has applied to television and radio broadcasting undertakings.

The purpose of this study has been to determine the contribution of the parliamentary debates surrounding the *Online Streaming Act* to the ongoing politics of Canadian broadcasting and cultural policy. These politics have historically been described by scholars as a paradoxical emphasis on nationalist and neoliberal rhetoric: defending 'Canadian content' as a public good and incapable of being delivered through the market, but relying on economic incentives that result in content that has little cultural relevance (i.e., content that's "Americanized" for the benefit of global profitability) despite contributing to Canada's 'cultural industries' (Bourcheix-Laporte, 2020; Druick, 2016; Stone et al., 2018, pp. 11–12; Stursberg & Armstrong, 2019, pp. 165–168). Disputes between the two most prominent federal political parties have generally placed the Liberal Party as advocates for public investment in national arts activities, while the (Progressive) Conservatives have been placed as defenders of consumer choice

(Edwardson, 2008; Schnitzer, 2019). This dispute is also placed along regional lines: the Liberals' position has been associated with an elitism based in central Canada, while the Conservatives' position has been associated with a brand of populism affiliated with western Canada (Schnitzer, 2019). This paradoxical rationality placing cultural objectives alongside economic ones continues to define the governmentality of the Canadian cultural apparatus, leading to an expansion of the *Broadcasting Act* and its diversity mandate.

The parliamentary deliberations surrounding the *Online Streaming Act* changed the politics of Canadian film and cultural policy by converging similar but disparate media issues into a single policy discussion—just as online platforms have converged various activities related to cultural production and consumption. However, within this discussion, polarized framings between 'regulatory fairness' and 'government overreach' challenged the ability to craft a holistic solution to online platforms as a “wicked problem” (Rittel & Webber, 1973, pp. 160, 162). The categorization of the *Online Streaming Act* as an attack against Canadians' freedom of expression fits within the platform that the CPC has been building under the leadership of Pierre Poilievre that emphasizes the Trudeau-led government as “gatekeepers” prohibiting Canadians from reaching their full socio-economic potential, whether it be access to the housing market or access to jobs for immigrants and new Canadians (Poilievre, 2022, 2023).

The application of pre-existing policy paradigms to online platforms has been a global challenge, questioning whether platforms behave more as publishers or distributors and what role users play in determining this. Due to their hyperconvergent nature, online platforms raise the stakes of cultural policy discussions; online platforms have not only become central to cultural activities through the distribution and consumption of televisual media, but also central to contemporary civil discourse and democratic processes altogether (Hylland, 2022, pp. 823–824). The issues and concerns regarding film and cultural policy become inseparable from the concerns of broadcasting; local news agencies are as much relevant parties of the bill as social media influencers and filmmakers. Responding to the hyperconvergence of online platforms, the Conservative Party's typical arguments for consumer choice expanded to encompass freedom of expression concerns as well, while the Liberal Party's most executed rhetorical frame was that of 'cultural sovereignty.' Support for Canadian creators was often addressed without acknowledging the significant contribution that

'prosumers' utilizing social media provide to online culture (Beer, 2014, p. 51). Without compartmentalizing online use, the *Online Streaming Act* potentially grants oversight of all online activities to the CRTC. If the Government of Canada doesn't compartmentalize online platform activities, the platforms themselves may be happy to do it on their behalf for their own benefits.

The major takeaway from these discussions is that the old way of regulating broadcasting undertakings cannot be applied to online platforms; Ian Scott himself admitted this to the Standing Committee on Canadian Heritage while he was serving as chairperson and CEO of the CRTC (Standing Committee on Canadian Heritage, 2022). However, the new way of regulating broadcasting undertakings remains to be seen, and the fundamental disappointment with the passage of the *Online Streaming Act* is how little was revealed as to what new regulation may look like and how it will function. The paradigms used to frame the *Online Streaming Act* demonstrate a continuance of framing culture as something commodifiable and measurable, therefore yielding fiscal levers to achieve cultural and economic objectives set by the federal government (Edwardson, 2008, pp. 245, 257). However, online platforms and their presence in the debates add that cultural content can not only be commodified but also tracked and surveyed in real time. Major platforms that track users' information and craft individualized recommendations from their libraries of content—many of which participated in the parliamentary process surrounding the act, either as members of associations or through direct submissions to the Standing Committee on Canadian Heritage—hold significant power in determining the popularity and access of the content that they host. The “neoliberal turn” of Canadian cultural policy, then, yields to a capitalism that is contingent on user participation and an illusion of unlimited choice and opportunities for expression (Barney et al., 2016; Bourcheix-Laporte, 2020; Bucher, 2016; Gattinger & Saint-Pierre, 2010; Srnicek, 2017; Tryon, 2013, pp. 2, 3, 16; Zuboff, 2015).

The parliamentary debates failed to live up to the profound impact that online platforms have on cultural industries and democratic processes. Considering past events that drew significant public attention to the issue of Canadian culture and broadcasting, including the Massey Commission and “Let's Talk TV,” the tabling and parliamentary process surrounding the *Online Streaming Act* was a missed opportunity for stronger public engagement, and instead received significant negative media and press

coverage, likely instilling public concern over the continuing operations of popular online services (Chandler, 2022; A. Coyne, 2021; C. H. Davis & Zboralska, 2017; Edwardson, 2008). Much of the parliamentary arguments defending the act took notions of ‘the public’ and ‘Canadian content’ largely for granted, emphasizing broadcasting regulation as a response to industry organizations’ concerns amid technological change. While focusing exclusively on the parliamentary and partisan politics of the *Online Streaming Act*, this study has excluded the news media coverage of the Act and how regulation of online platforms has been conducted in other jurisdictions. Future research will need to consider and evaluate the effects of the regulations that are enacted as a result of the act’s implementation. As other governments attempt to regulate online platforms, an international comparative analysis could uncover best practices when the results of these regulations are identifiable. While this frame analysis is effective for understanding the politics of the *Online Streaming Act*, it poses limitations that open opportunities for future studies. This study relies on a coding method applied by an independent scholar without access to a larger research team to ensure reliability (Löblich, 2019, pp. 429–430; Löblich & Karppinen, 2014, p. 48; Shtern, 2012). Future research on the *Online Streaming Act* could strengthen this analysis by re-examining the frames and conducting similar methods on previous cultural policy discourses. A more holistic and comprehensive analysis of the decision-making process underlying the *Online Streaming Act* would also involve interviews with key actors and synchronous observations of meetings and other deliberations, as text itself offers only one dimension of the policymaking process (Shtern, 2012). The data collected through in-person or virtual engagements with such activities would add nuance to the project and provide different forms of data.

If many of the same rhetorical themes from the politics of Canadian film and broadcasting policy can be seen carrying over into the *Online Streaming Act*, then it’s likely that previous academic diagnoses will persist as well. Dallas Smythe (1981) and Manjunath Pendakur (1990), among others, have described the ineffectiveness of the Government of Canada’s approach to facing global capitalist control over the country’s cultural industries, despite the federal government’s efforts to engineer a vibrant domestic film culture. The continued lack of box office success for Canadian films and continuance of Canada’s international production sector understandably leads to some cynicism towards the future of culturally relevant Canadian films (Gittings, 2018, p. 248;

Tinic, 2005). As Canada's broadcasting system remains open to international online platforms, there's legitimacy to the fear that the *Online Streaming Act* won't significantly strengthen Canada's domestic cultural productions unless the major platforms abide by new regulations from the CRTC that support high quality Canadian productions and redefines 'Canadian content' as having cultural relevance (Stursberg & Armstrong, 2019, pp. 166, 169). Through possible discoverability requirements, online platforms like Netflix could be required to comply with showcasing Canadian films in a manner never before applied to traditional domestic film exhibitors. This could lead to an increase in the consumption of Canadian films, but it could also see backlash or strategic avoidance from users who find such recommendations annoying or unhelpful (Re, 2022, p. 299). Additionally, it's unclear what form such discoverability measures could take, considering the consensus held among government officials that algorithms ought to be regarded as trade secrets and not directly regulated (Canada. House of Commons, 2022b, p. 2334; Standing Committee on Canadian Heritage, 2022, pp. 5, 8). This position has the potential to create a "policy silence"; without careful interrogation of algorithms and their influence on users' activities, "market-led" concerns may be prioritized over the public good (Freedman, 2010, pp. 355, 358, 2018, pp. 610, 614–615).

Despite these concerns, I remain optimistic that the passage of the *Online Streaming Act* could yield a path towards a stronger presence of Canadian content on online platforms, and therefore a positive opportunity for filmmakers and creators working in Canada. Good cultural policy should influence the cultivation of an environment in which artists and creators are able to produce work that takes artistic risks and expresses personal visions that cannot exist solely through market forces; the *Online Streaming Act* aims to cultivate this environment by creating a regulatory mechanism in which online platforms could be required to meaningfully support Canada's media and cultural ecosystem through increased funding and promotional activities. However, with the persistence of the nationalism/neoliberalism tension in the parliamentary debates, there are two central issues that regulators will have to contend with. Firstly, if, as the *Harnessing Change* report has suggested (Canadian Radio-television and Telecommunications Commission, 2018, sec. Conclusions and Potential Options), the CRTC will ensure flexibility in determining how individual online platforms contribute to Canada's media system, it is possible that platforms will take advantage of this flexibility and use their leverage to influence and negotiate regulations that favours

them economically rather than Canadian artists. Secondly, if Canadian content definitions are to be reviewed and updated (Standing Committee on Canadian Heritage, 2022, p. 9), the CRTC will need to ensure that this happens in a way that does not simply amplify the imperialist and settler-colonial history of Canadian nationalism, and instead augments the capacity for cultural producers to imagine a more vibrant, expressive, relational, and inclusive social cohesion within the national framework. As evidenced in Europe after the Second World War (Neale, 1981), as well as in some of the past cinematic successes produced in Canada, the state and its cultural policy apparatus can play a positive role in cultivating vibrant film cultures, so long as artists and their ambitions are prioritized and well-supported.

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Appendix.

Coding Data for Frame Analysis

Table 1: Number of Coded Frame References from Parliamentary Speeches and Organization Submissions

Frame	LPC	CPC	NDP	BQ	GP	Organizations	Total
Regulatory Fairness	21	10	17	7	2	169	226
Government Overreach	21	59	22	15	16	91	224
Economic Growth	13	12	8	5	4	157	199
Cultural Sovereignty	30	1	12	6	8	107	164
Public Good	18	13	35	28	16	50	160
Diversity	14	4	6	11	10	95	140
Effectiveness	0	10	8	3	5	111	137
Modernization	18	9	1	19	7	73	127

Table 2: List of Coded Speeches from Parliamentarians

Member of Parliament	Party	Date	Citation
Boulerice, Alexandre	NDP	2020-11-18	(Canada. House of Commons, 2020b, pp. 2073–2076)
Champoux, Martin	BQ	2020-11-18	(Canada. House of Commons, 2020b, pp. 2070–2072)
Guilbeault, Steven	LPC	2020-11-18	(Canada. House of Commons, 2020b, pp. 2060–2064)
Rayes, Alain	CPC	2020-11-18	(Canada. House of Commons, 2020b, pp. 2065–2068)
Manly, Paul	GP	2020-12-10	(Canada. House of Commons, 2020c, pp. 3303–3305)
Boulerice, Alexandre	NDP	2021-06-21	(Canada. House of Commons, 2021, pp. 8925–8926)
Champoux, Martin	BQ	2021-06-21	(Canada. House of Commons, 2021, pp. 8923–8924)
Dabrusin, Julie	LPC	2021-06-21	(Canada. House of Commons, 2021, pp. 8919–8920)
Diotte, Kerry	CPC	2021-06-21	(Canada. House of Commons, 2021, pp. 8921–8922)
Manly, Paul	GP	2021-06-21	(Canada. House of Commons, 2021, pp. 8927–8928)
Boulerice, Alexandre	NDP	2022-02-16	(Canada. House of Commons, 2022b, pp. 2333–2335)
Nater, John	CPC	2022-02-16	(Canada. House of Commons, 2022b, pp. 2324–2327)
Rodriguez, Pablo	LPC	2022-02-16	(Canada. House of Commons, 2022b, pp. 2319–2322)

Villemure, René Trudel, Denis	BQ	2022-02-16	(Canada. House of Commons, 2022b, pp. 2329–2332)
May, Elizabeth	GP	2022-05-11	(Canada. House of Commons, 2022c, pp. 5158–5159)
Julian, Peter	NDP	2022-06-17	(Canada. House of Commons, 2022d, pp. 6896–6898)
Larouche, Andréanne	BQ	2022-06-17	(Canada. House of Commons, 2022d, pp. 6894–6895)
Louis, Tim	LPC	2022-06-17	(Canada. House of Commons, 2022d, pp. 6919–6920)
Thomas, Rachael	CPC	2022-06-17	(Canada. House of Commons, 2022d, pp. 6889–6890)
Morrice, Mike May, Elizabeth	GP	2022-06-20	(Canada. House of Commons, 2022e, pp. 7013–7016)

Table 3: List of Coded Submissions from Organizations to the Standing Committee on Canadian Heritage

Organizations	Year	Citation
Alliance des producteurs francophones du Canada	2021, 2022	(Alliance des producteurs francophones du Canada, 2021, 2022)
Alliance for Equality of Blind Canadians	2022	(Alliance for Equality of Blind Canadians, 2022)
Alliance of Canadian Cinema, Television and Radio Artists	2021, 2022	(Alliance of Canadian Cinema, Television and Radio Artists, 2021, 2022)
Association québécoise de l'industrie du disque, du spectacle et de la vidéo	2022	(Association québécoise de l'industrie du disque, du spectacle et de la vidéo, 2022)
BCE Inc.	2021	(BCE Inc., 2021)
Canada Media Fund	2022	(Canada Media Fund, 2022)
Canadian Association of Broadcasters	2021, 2022	(Canadian Association of Broadcasters, 2021, 2022)
Canadian Association of Film Distributors and Exporters	2021, 2022	(Canadian Association of Film Distributors and Exporters, 2021, 2022)
Canadian Media Producers Association	2021, 2022	(Canadian Media Producers Association, 2021, 2022)
CBC/Radio-Canada	2021	(CBC/Radio-Canada, 2021)
Coalition for the Diversity of Cultural Expressions	2022	(Coalition for the Diversity of Cultural Expressions, 2022)
Directors Guild of Canada	2021, 2022	(Directors Guild of Canada, 2021, 2022)
Documentary Organization of Canada	2022	(Documentary Organization of Canada, 2022)
Forum for Research and Policy in Communications	2022	(Forum for Research and Policy in Communications, 2022)
FRIENDS	2022	(FRIENDS, 2022)
Independent Broadcast Group	2021	(Independent Broadcast Group, 2021)
Intellectual Property Institute of Canada	2021	(Intellectual Property Institute of Canada, 2021)
International Alliance of Theatrical Stage Employees	2022	(The International Alliance of Theatrical Stage Employees, 2022)
Joint Statement	2021	(Canadian Ethnic Media Association et al., 2021)

<ul style="list-style-type: none"> • Canadian Ethnic Media Association • Canadian Ethnocultural Council • Ethnic Channels Group Limited • TLN Media Group Inc. 		
Motion Picture Association-Canada	2022	(Motion Picture Association - Canada, 2022)
Netflix	2021, 2022	(Netflix, 2021, 2022)
On Screen Manitoba Inc.	2021	(On Screen Manitoba Inc., 2021)
Racial Equity Media Collective	2022	(The Racial Equity Media Collective, 2022)
Screen Composers Guild of Canada	2021, 2022	(Screen Composers Guild of Canada, 2021, 2022)
The Canadian Ethnocultural Media Coalition	2022	(The Canadian Ethnocultural Media Coalition, 2022)
Internet Society Canada Chapter	2022	(Internet Society Canada Chapter, 2022)
TikTok Canada	2022	(TikTok Canada, 2022)
Union des producteurs et productrices du cinéma québécois	2021	(The Union des producteurs et productrices du cinéma québécois, 2021)
Writers Guild of Canada	2021, 2022	(Writers Guild of Canada, 2021, 2022)
YouTube	2022	(YouTube, 2022)