

Government Orders

Let us hope that Quebecers will soon have an opportunity as well to rejuvenate their political system and adapt it to new realities and to get rid of the outdated structures of Canadian federalism.

Mr. Mac Harb (Parliamentary Secretary to Minister of International Trade, Lib.): Mr. Speaker, we recommend that this amendment be rejected because we have problems with it.

First, the new expression would be inconsistent with clauses 2, which includes the definitions of "plate" and "producer", as well as 5.4 and 5.5, which refer to "a record, perforated roll or other contrivance by means of which sounds may be mechanically reproduced". Second, it would therefore be difficult to apply in a consistent manner these provisions, if we were to use the new expression contained in the motion.

I should also point out that Canadian jurisprudence gives a rather wide interpretation to the current wording. Therefore, although the expression is somewhat archaic, it does include new technologies.

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, I am pleased to have this opportunity to address the motion tabled by the hon. member for Louis-Hébert.

It is strange and almost sad to amend the archaic and obsolete Copyright Act because we are forced to do so when dealing with a bill which indirectly affects it, as the hon. member for Laval East pointed out.

If I were sitting here at the end of the Second World War and reviewing this bill to implement the Agreement establishing the World Trade Organization, I might feel comfortable with clause 58(a), which reads:

(a) to fix the performer's performance, or any substantial part thereof, by means of a record, perforated roll or other contrivance by means of which sounds may be mechanically reproduced.

Indeed, if I were debating this bill at the end of the Second World War, I might feel comfortable with this clause, although the perforated roll was already somewhat obsolete at the time.

Now, more than half a century later, the government tables a bill to implement the agreement establishing the successor of the International Trade Organization, namely the World Trade Organization, and we still have an archaic and obsolete provision.

In this era of high technology such as optical fibres and laser techniques, the government is talking about the perforated roll. The parliamentary secretary said that, according to existing precedents, new technologies are included in this clause of the bill.

• (1525)

Mr. Speaker, I do not see why the government refuses to modernize the wording in the very simple way proposed by the hon. member for Louis-Hébert, a way that allows for any new technology. We know that technology changes very quickly. As I

said earlier, today it is fibre optics and lasers, but what will it be tomorrow? Will we have to change the legislation again to include new technology?

I consider that we have to allow for any technological change that might apply in the future to sound reproduction, and even image reproduction, although the bill is rather vague on that. I suppose that the parliamentary secretary will tell us that it includes sound reproduced with picture.

At the time of the Second World War, the reproduction of sound and picture was not all that common. There has been a tremendous technological evolution and the technological changes are not even considered by the legislation as presently drafted.

The proposal of my colleague for Louis-Hébert is very simple. It is the result of submissions made to us by artists and creators, more specifically by the Union des artistes, which appeared—which took the time to appear—before the Standing Committee on Foreign Affairs and International Trade, to voice its concerns, concerns which are the bare minimum and quite far from what they would really like to see in a piece of legislation. I am glad that the Minister of Canadian Heritage is present. We are talking about amendments to the Copyright Act in an indirect fashion, through changes to Canadian legislation brought about by the signing of the Uruguay Round Agreement, or the creation of a Department of Canadian Heritage.

When are we going to amend the Copyright Act to bring it up to date? The government does not have the political will to do so. Absolutely not. The old Copyright Act is being amended in a roundabout way through other legislation. It is absolutely unacceptable.

Could it be that the present Minister of Canadian Heritage does not have the necessary clout with his colleagues to have the Copyright Act amended as it should be and as the artists are demanding? I am very sorry to see, following the speech by our colleague, the Parliamentary Secretary to the Minister of International Trade, that our government colleagues intend to oppose this proposed amendment which, after all, is rather innocuous, but affects writers, authors and performers in a fundamental way. It is at their request that we are proposing this amendment which is, I could not stress it enough, very important for them.

However, as I mentioned before, what they would like to see is a comprehensive review of the Copyright Act. But in the absence of real political will, in the absence of a minister who would truly stand up for them, in the absence of any reform of the Copyright Act, this piece of legislation should at least be adapted to today's reality.

I hope that the government members will not prove to be close-minded, that they will not choose to oppose this amendment, otherwise we will have to conclude that they lack openness and concern for the needs of the industry, and that they do not take into account the new technology. It will be a pity if the